

Organizational Review of the Denton Police Department

Final Report



December 2018

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EXECUTIVE SUMMARY

In May 2018, the Police Executive Research Forum (PERF) was commissioned by the City of Denton to perform an organizational review of the Denton Police Department (DPD). PERF's review included an examination of the department's policies on use of force and responding to critical incidents, and an assessment of the department's "organizational climate." The purpose of this study was not to investigate any particular incident or specific police officer, but rather to identify areas where DPD can improve its core business practices.

This report presents PERF's findings and recommendations regarding DPD's use-of-force policies, organizational structure, and the overall "climate" of the department.

Summary of Findings and Recommendations

The recommendations in this report are based on findings from PERF's review, which included a review of DPD's use-of-force policy and other related policies, an analysis of the department's organizational chart, a survey of DPD employees regarding job satisfaction and other indicators of the "climate" of the organization, interviews with DPD personnel, and observations made during PERF's site visits.

Throughout the course of this review, PERF's project team regularly discussed its ongoing findings and recommendations with DPD leaders. DPD began making changes to its policies and practices based on these discussions, and at the time of this report the department had already implemented the majority of PERF's recommendations. DPD also developed a matrix that documents and prioritizes each recommendation, and PERF found this matrix to be a useful tool and agrees with the priority level given to each recommendation.

This executive summary presents an overview of key findings and recommendations that are included in the report. This summary also provides information regarding DPD's considerable progress in implementing these recommendations.

Policies and Procedures

DPD General Order 5.1 – Use of Force

Finding: At the time of PERF's review, DPD's use-of-force policy did not have a statement regarding the sanctity of life, de-escalation, or the duty to intervene if an officer witnesses a fellow officer using unnecessary force or appearing to be on the verge of using unnecessary force.

In addition, key terms such as "proportionality" and "de-escalation" were not defined in policy. The use-of-force policy also did not direct officers to only use force that is proportional to the threat encountered, and it did not prohibit the use of lethal force against individuals who are a

danger only to themselves. PERF's review found that DPD prohibits officers from shooting at vehicles, but policy does not provide a narrow exception in cases where a vehicle is being used as a weapon of mass destruction.

DPD's policy is not clear on when officers should request emergency medical treatment following the use of force, and the policy does not seem to require a medical evaluation of a person who complains of a physical injury (currently, medical evaluations are only required for subjects with visible injuries). DPD does not have a policy requiring supervisors to be dispatched to the scene of critical incidents in which there is a high likelihood that officers may use force. PERF also found that DPD uses different forms to document specific uses of force (use of Electronic Control Weapons is documented using the "Taser Use" form, while all other use-of-force incidents are captured using the generic use-of-force form), and that officers are currently required to document only certain types of use of force. Finally, DPD does not utilize a review board to critically analyze use-of-force incidents, and DPD does not publish an annual use-of-force report.

- **Recommendation:** DPD should add a sentence emphasizing **the sanctity of human life** as a core value in its use-of-force policy. For example, the Baltimore Police Department's use-of-force policy states: "The policy of the Baltimore Police Department is to value and preserve human life in all situations."¹ **This recommendation has been implemented.**
- **Recommendation:** DPD should adopt **de-escalation** as formal agency policy, and language should be added to policy to reflect this approach. The policy should state that de-escalation is the preferred, tactically sound approach in many critical incidents. The policy should require officers to receive training on key de-escalation principles. Many agencies already provide crisis intervention training as a key element of de-escalation, but crisis intervention policies and training must be merged with a new focus on tactics that officers can use to de-escalate situations. De-escalation policy should also include discussion of proportionality; using distance, cover, and tactical repositioning to "slow down" situations that do not pose an immediate threat; calling for supervisory and other resources; and related concepts. **This recommendation has been implemented.**
- **Recommendation:** DPD should add a statement regarding **the duty to intervene** to its use-of-force policy. This statement should include the following language: "Officers have a duty to intervene if they anticipate or observe the unreasonable, unnecessary, or disproportionate use of force." **This recommendation has been implemented.**
- **Recommendation:** PERF recommends the use of the terms **"lethal force"** and **"less-lethal force"** in the "Definitions" section and throughout all of DPD's policies, rather than "deadly force" and "non-deadly force." "Less lethal" is a more accurate term because many weapons that are not *designed* to be lethal sometimes do result in death. DPD should carefully review all policies to ensure the consistent use of these terms. **This recommendation has been implemented.**

¹ Baltimore Police Department (2016). "Policy 1115 ('Use of Force')".
https://www.baltimorepolice.org/sites/default/files/Policies/1115_Use_Of_Force.pdf

- **Recommendation:** DPD should add a definition of “**Proportionality.**” The definition should state that proportionality involves officers: (1) using only the level of force necessary to mitigate the threat and safely achieve lawful objectives; (2) considering, if appropriate, alternate force options that are less likely to result in injury but will allow officers to achieve lawful objectives; and (3) considering the appropriateness of officers’ actions. Proportionality also considers the nature and severity of the underlying events.² (The concept of proportionality does not mean that officers, at the moment they have determined that a particular use of force is necessary and appropriate to mitigate a threat, should delay their response in order to consider how their actions will be viewed by others. Rather, officers should begin considering what might be appropriate and proportional as they approach an incident, and they should keep this consideration in their minds as they are assessing the situation and deciding how to respond. **This recommendation has been implemented.**

- **Recommendation:** DPD should add a definition of “**De-escalation.**” The definition should emphasize proportionality; the use of distance, cover, and tactical repositioning to “slow down” situations that do not pose an immediate threat; calling for supervisors and other resources; and similar actions and tactics.³ **This recommendation has been implemented.**

- **Recommendation:** DPD should add language to its policy that force used by officers should be **proportional to the threat.** In assessing whether a response is proportional to the threat being faced, officers should consider the following factors: (1) whether the level of force is necessary to mitigate the threat and safely achieve a lawful objective; (2) whether there is another, less injurious option available that will allow the officer to achieve the same objective as effectively and safely; and (3) whether the officer’s actions will be viewed as appropriate given the severity of the threat and the totality of the circumstances. **This recommendation has been implemented.**

- **Recommendation:** DPD should add language that prohibits the use of lethal force against individuals who pose a danger only to themselves and not to other members of the public or to officers. Officers should also be required to consider the use of many available less-lethal options in these situations. Officers should be prepared to exercise considerable discretion to take as much time as necessary to resolve a situation peacefully.⁴ **This recommendation has been implemented.**

- **Recommendation:** DPD should add the following language to its policy regarding shooting at vehicles: “The only exception is an apparent act of terrorism when the vehicle is being used as a weapon of mass destruction.” **This recommendation has been implemented.**

² See PERF, *Guiding Principles on Use of Force*, pp. 38-40.

<http://www.policeforum.org/assets/guidingprinciples1.pdf>.

³ Ibid, pp. 54-65.

⁴ See PERF, *Guiding Principles on Use of Force*, p. 48.

- **Recommendation:** DPD should add language to its policy that officers shall promptly request medical assistance as soon as it is safe and practical to do so following a force incident. **This recommendation has been implemented.**
- **Recommendation:** DPD policy should include language that requires a medical evaluation of subjects who complain of injury, even if injuries are not visible, following a use-of-force incident. **This recommendation has been implemented.**
- **Recommendation:** DPD should add a requirement that supervisors immediately respond to any scene: where a weapon (including a firearm, edged weapon, rocks, or other improvised weapons) is reported; where a person experiencing a mental health crisis is reported; or where a dispatcher or other member of the department believes there is potential for significant use of force. **This recommendation has been implemented in practice, and will be added to policy in the near future**
- **Recommendation:** DPD should add the following statement to its policy: “Officers will document all uses of force that involve a hand or leg technique; the use of a lethal weapon, less-lethal weapon, or weapon of opportunity; or any instance where injury is observed or alleged by the subject that is the result of an officer’s use of force. The pointing of a firearm or an Electronic Control Weapon at an individual as a threat of force should be documented in incident reports.” **This recommendation has been implemented in practice, and will be added to policy in the near future**
- **Recommendation:** DPD should eliminate its “Taser Use” report. In order to make reporting uses of force as simple as possible, one form should be used for reporting all use-of-force incidents. **This recommendation has been implemented.**
- **Recommendation:** DPD should publish its annual use-of-force report on the department’s website. The report should inform the public on how data on use-of-force incidents are captured, the number of incidents that occurred during the year, and whether the incidents were within policy. This report should be used to better understand use-of-force trends and opportunities for improvements, and to demonstrate transparency to the community. Many police departments publish annual use-of-force reports on their department websites. One example is the Seattle, WA Police Department.⁵ **This recommendation is in the process of implementation.**
- **Recommendation:** PERF recommends conducting a formal review of all officer-involved shootings, in-custody deaths, hospitalizations of prisoners, and serious use-of-force incidents (electronic control weapon, baton, OC spray), by establishing a performance review board. The formal review of these incidents, conducted as a matter of course, will provide valuable opportunities to identify lessons that can be incorporated into officer training, gaps in tactics, any need for additional equipment to be provided to

⁵ Seattle Police Department. (2017). *Use of Force Annual Report*.
<https://www.seattle.gov/Documents/Departments/Police/Publications/Use%20of%20Force%20Annual%20Report%20-%20Final.pdf>

officers, or any need for changes in policy. Incidents that were captured by body-worn cameras can be especially useful for identifying ways to improve officers' tactics and tools while providing accountability.

The review board, consisting at a minimum of the assistant chief of operations, a lieutenant or sergeant from training, and a representative from professional standards, should convene quarterly to review each serious use-of-force incident. The board should review any use of force that resulted in a death or injury or involved the use of a lethal or less-lethal tool. The review board should serve to ensure that tactics, equipment, and policy are reviewed, and areas of concern are addressed.

In addition, the review board should meet within 24 to 48 hours following an officer-involved shooting or in-custody death. The review board should be briefed by investigators regarding the facts of the case known at that time to ensure that no immediate changes to policy, training, or equipment are necessary. The review board should present all findings and recommendations to the chief of police. **This recommendation is in the process of implementation.**

DPD General Order 5.2 – Officer Involved Shootings

Finding: PERF found DPD's officer-involved shooting policy to be thorough, but some improvements can be made. For example, the policy title should be changed to reflect that in-custody deaths should follow the same reporting and investigation process as officer-involved shootings. DPD should also mandate that officers involved in a shooting or in-custody death schedule a follow-up appointment with the department-approved psychologist roughly six months after the shooting incident, to ensure the well-being of the officer. It is also crucial for the use-of-force review board to examine all in-custody deaths and officer-involved shootings 24 to 48 hours following the incident to determine if immediate changes to training, policy, or equipment are necessary.

- **Recommendation:** DPD should change the title of General Order 5.2 from "Investigation of Officer-Involved Shootings" to "Investigation of Officer-Involved Shootings and In-Custody Deaths." The same reporting and investigation procedure should be followed for fatal officer-involved shootings and in-custody deaths. **This recommendation has been implemented.**
- **Recommendation:** All officer-involved shootings or in-custody deaths should be examined by the use-of-force review board within 24 to 48 hours following the incident. The review board should be briefed by investigators regarding the facts of the case known at that time to determine whether any immediate changes to policy, training, or equipment are necessary. **This recommendation has been implemented.**
- **Recommendation:** DPD should continue the practice of requiring all officers involved in an officer-involved shooting or in-custody death to schedule a session with the department-approved psychologist prior to returning to work. In addition, the department should initiate the practice of a mandatory follow-up appointment with the department-

approved psychologist, approximately six months from the original visit, to ensure the mental health and well-being of the officer are being addressed. **This recommendation has been implemented.**

DPD General Order 5.4 – Less-Lethal Devices and Weapons

Findings: PERF review revealed that DPD’s less-lethal weapons policy could be condensed into the department’s general use-of-force policy. However, if DPD does not combine these policies, then statements regarding the sanctity of life, proportionality, and de-escalation should be added to the Less-Lethal Devices policy. Additionally, some definitions in the less-lethal weapons policy should be changed to conform to the same definition used in other policies, while other definitions should be added to the Less-Lethal Devices policy. Regardless of whether the policies are combined, DPD should adopt several guidelines regarding Electronic Control Weapons (ECW) (e.g., discouraging officers from targeting sensitive areas or using drive stun mode). In addition, DPD should require any authorization for canine use for crowd control to come from a lieutenant or higher-ranked officer. PERF also found that the current policy does not require a medical evaluation following ECW deployment or canine bites, and that reporting and supervisor requirements are not thorough.

- **Recommendation:** DPD should add language regarding the **sanctity of life** to the Less-Lethal Devices policy to demonstrate that it is fully committed to progressive policing practices. **This recommendation has been implemented.**
- **Recommendation:** DPD should include language about **objective reasonableness** to this policy. The language should state that officers are to only use the amount of force that appears necessary to accomplish a lawful objective, that uses of force must be objectively reasonable, and that officers will use only the force that a reasonably prudent officer would use under the same or similar circumstances. **This recommendation has been implemented.**
- **Recommendation:** DPD should add language to the Less-Lethal Devices policy stating that force used by officers should be **proportional to the threat**. In assessing whether a response is proportional to the threat being faced, officers should consider the following factors: (1) whether the level of force is necessary to mitigate the threat and safely achieve a lawful objective; (2) whether there is another, less injurious option available that will allow the officer to achieve the same objective as effectively and safely; and (3) whether the officer’s actions will be viewed as appropriate given the severity of the threat and the totality of the circumstances. **This recommendation has been implemented.**
- **Recommendation:** DPD should add language regarding the use of **de-escalation tactics** to this policy. The language should state that de-escalation is the preferred, tactically sound approach in many critical situations, and officers should use de-escalation tactics when it is safe and time permits. **This recommendation has been implemented.**
- **Recommendation:** DPD should change the definition of “**Objectively Reasonable**” currently used in Section 5.4.2 to match the definition for the term that is found in

General Order 5.1. The definition should read: “This term means that, in determining the necessity for force and the appropriate level of force, officers shall evaluate each situation in light of the known circumstances, including, but not limited to, the severity of the crime at issue, whether the suspect poses an immediate threat to the safety of the officers or others, and whether the suspect is actively resisting arrest or attempting to evade arrest by flight.” **This recommendation has been implemented.**

- **Recommendation:** DPD should add a definition of “**Proportionality**” to the Less-Lethal Devices policy. The definition should state that proportionality involves officers: (1) using only the level of force necessary to mitigate the threat and safely achieve lawful objectives; (2) considering, if appropriate, alternate force options that are less likely to result in injury but will allow officers to achieve lawful objectives; and (3) considering the appropriateness of officers’ actions. The concept of proportionality does not mean that officers, at the moment they have determined that a particular use of force is necessary and appropriate to mitigate a threat, should delay their response in order to consider how their actions will be viewed by others. Rather, officers should begin considering what might be appropriate and proportional as they approach an incident, and they should keep this consideration in their minds as they are assessing the situation and deciding how to respond. Proportionality also considers the nature and severity of the underlying events.⁶ **This recommendation has been implemented.**
- **Recommendation:** DPD should add a definition of “**De-escalation**” to this section. The definition should emphasize proportionality; the use of distance, cover, and tactical repositioning to “slow down” situations that do not pose an immediate threat; calling for supervisors and other resources; and similar actions and tactics.⁷ **This recommendation has been implemented.**
- **Recommendation:** DPD should require that officers be recertified to use Electronic Control Weapons (ECWs) on an annual basis, and language should be added to this policy to reflect that change. **This recommendation has been implemented.**
- **Recommendation:** DPD should revise its policy to replace all references to “TASER” with the more descriptive and appropriate term, “Electronic Control Weapon (ECW).” This change will help clarify that ECWs are in fact weapons that carry a risk of harming persons, including fatal injuries in some cases. The change should be made through all DPD policies and in all other orders, directives, and training curricula which reference such devices. **This recommendation has been implemented.**
- **Recommendation:** DPD should add language instructing officers not to purposefully target sensitive areas with an ECW. This should include the following: “Personnel should not intentionally target sensitive areas (e.g., head, neck, genitalia) when deploying an ECW.” **This recommendation has been implemented.**

⁶ See PERF, *Guiding Principles on Use of Force*, pp. 38-40.
<http://www.policeforum.org/assets/guidingprinciples1.pdf>.

⁷ Ibid, pp. 54-65.

- **Recommendation:** DPD should add language restricting the deployment of an ECW on a person in physical control of a vehicle in motion (e.g., automobiles, trucks, motorcycles, ATVs, bicycles, scooters). **This recommendation has been implemented.**
- **Recommendation:** DPD should revise its policy to state: “Personnel should use an ECW for one standard cycle (five seconds) and then evaluate the situation to determine if subsequent cycles are necessary. Personnel should consider that exposure to the ECW for longer than 15 seconds (whether due to multiple applications or continuous cycling) may increase the risk of death or serious injury. Any subsequent application should be independently justifiable, and the risk should be weighed against other force options.” **This recommendation has been implemented.**
- **Recommendation:** In policy and training, DPD should discourage officers from using the drive stun mode as a pain compliance technique. The policy should state that the drive stun mode should only be used to complete the incapacitation circuit in order to supplement the probe mode, or to create separation between an officer and a subject. **This recommendation has been implemented and will be emphasized in follow-up training.**
- **Recommendation:** DPD should add the following language to its Less-Lethal Devices policy: “All subjects who have been exposed to ECW application must receive a medical evaluation by emergency medical responders in the field or at a medical facility. Any subject who has been exposed to prolonged application (i.e., more than 15 seconds) should be transported to an emergency department for evaluation. Medical personnel conducting the evaluation should be made aware that the subject has experienced ECW activation, so they can better evaluate the need for further medical treatment.” **This recommendation has been implemented.**
- **Recommendation:** If DPD continues to allow police canines to be used to control crowds during riots or other civil disturbances, then the authorization to allow police canines to be used in those situations should come from the position of lieutenant or higher.
- **Recommendation:** DPD should include the following statement to the canine guidelines: “Any individual who experiences a bite by a police canine will be taken to a hospital for medical evaluation and treatment.”
- **Recommendation:** DPD should include the following language in its policy: “Officers will document all uses of force that involve a hand or leg technique; the use of a lethal weapon, less-lethal weapon, or weapon of opportunity; or any instance where injury is observed or alleged by the subject that is the result of an officer’s use of force. The pointing of a firearm or an Electronic Control Weapon at an individual as a threat of force should be documented in incident reports.” **Relevant language has been added to this section.**

- **Recommendation:** DPD should add language to this policy that, except in the case of mitigating circumstances, supervisors should immediately respond to the scene of incidents where an officer has used any less-lethal force and initiate an investigation. **This recommendation has been implemented.**

DPD General Order 4.2 – Emergency Vehicle Operations and Pursuits

Finding: PERF found that DPD’s policy regarding emergency vehicle operations and pursuits does not emphasize strongly enough that officers shall not shoot at a moving vehicle unless the occupants are using deadly force against the officer **by means other than the vehicle.** This is a critical point that is emphasized in DPD’s use-of-force policy (General Order 5.1), and DPD should ensure that this language is consistent through all of its policies.

- **Recommendation:** DPD should add language to its Emergency Vehicle Operations and Pursuits policy (DPD General Order 4.2) stating that officers are not to shoot at a moving vehicle unless the occupants are using deadly force against the officer **by means other than the vehicle.** This language should be added to both Sections 4.2.13 and 4.2.19 of this policy. **This recommendation has been implemented.**

DPD General Order 10.2 – Office of Professional Standards and Administrative Investigations

Finding: DPD’s policy states that, when possible, criminal investigations related to a citizen or internal complaint should be completed before any administrative investigation is conducted. This practice can unnecessarily delay the department in discharging an employee who, in an administrative investigation, clearly would be shown to have violated departmental rules seriously enough to justify dismissal. PERF also found that although DPD accepts complaints made by methods other than in-person complaints filed at the department’s offices, the language in DPD’s policy seems to allow for only narrow exceptions for complaints made using alternative methods.

- **Recommendation:** The DPD should routinely conduct concurrent criminal and administrative investigations. The administrative investigation is conducted by the Office of Professional Standards (OPS) and the criminal investigation by the Criminal Investigations Bureau. The policy should be very clear that there must be a process to protect the integrity of the criminal case. The implications of Garrity and Miranda warnings, along with the potential for a lost criminal case against an employee due to mishandling of information, should be addressed in this policy. For example, a “Garrity warning,” given to the employee at the beginning of an interview in an administrative investigation, can protect the employee’s constitutional right against self-incrimination by advising the employee that statements made in the administrative investigation will not be used in any criminal proceeding.
- **Recommendation:** The language in this section should simply and clearly state that complaints made using any method (e.g., online, telephone, letter, etc.) will be investigated. DPD should remove any language that refers to accepting a complaint via

telephone or letter if the complainant's location makes it difficult to come to the department or the complainant declines an in-person interview. Complaints made by methods other than in-person at the police department should be accepted regardless of the complainant's location. **This recommendation has been implemented.**

ICAT Train-the-Trainer

To help law enforcement agencies implement PERF's 30 Guiding Principles on Use of Force, PERF developed *ICAT: Integrating Communications, Assessment, and Tactics*,⁸ a training guide that represents a new way of thinking about use-of-force training for American police officers. ICAT takes the essential building blocks of critical thinking, crisis intervention, communications, and tactics, and puts them together in an integrated approach to training.

In June 2018, PERF conducted ICAT train-the-trainer instruction for several Denton Police Department trainers. Participants were carefully selected for the implementation of the training. The participants were actively engaged throughout the day, discussing methods to adapt and deliver the instruction to all DPD personnel.

Eleven ICAT training sessions have been scheduled through December 14, 2018. DPD anticipates departmentwide training will be complete by the spring of 2019.

Organizational Climate Survey of the DPD

With input from City of Denton officials, PERF designed an "organizational climate" survey to solicit Denton Police Department (DPD) employees' perceptions of the department. The survey asked employees how they feel about several aspects of the department, including internal communications, supervision, leadership, job satisfaction, work environment, and the process used to determine promotion and special assignments. The survey was distributed to all DPD personnel. At the close of data collection, PERF had received a response from 151 DPD employees, for a 59.7% response rate.

Finding: Overall, DPD employees provided positive responses to statements pertaining to organizational commitment and job satisfaction. For example, nearly 50% of respondents strongly agreed, and another 36% agreed with the statement, "I am proud to tell others that I work for this department." However, some DPD employees identified "department politics" and weak leadership as areas in which DPD could improve.

Finding: Most DPD employees provided favorable responses to statements regarding their perception of the work environment. For example, a large majority of respondents provided positive responses to the statement, "I have positive relationships with my coworkers," as 52% agreed and another 38% strongly agreed with the statement.

⁸ Police Executive Research Forum (2016). *ICAT: Integrating Communications, Assessment, and Tactics. Training Guide for Defusing Critical Incidents*. <http://www.policeforum.org/assets/icattrainingguide.pdf>

Finding: DPD employees had less favorable responses to statements regarding their perceptions of intra-agency communication. For example, most respondents believe that DPD leaders were doing a poor job of informing employees about matters affecting them. Many DPD employees also indicated that they are not asked for input regarding decisions that will affect them, that the rationale behind decisions is not communicated effectively, and that they are not satisfied with the information they receive from management.

Finding: Most DPD employees responded favorably to statements regarding their level of satisfaction with supervisors in the department. For example, employees generally agreed that their immediate supervisors treat them fairly and with respect.

Finding: DPD employees provided less favorable responses regarding their perceptions of department leaders. The majority of respondents agreed or strongly agreed with the statement, “I have doubts about the department’s leadership,” and many respondents provided negative responses regarding whether employees are held accountable for poor performance.

Finding: Overall, DPD employees provided positive responses to statements regarding their satisfaction with department resources and training opportunities. An overwhelming majority of respondents believe they have the equipment and supplies needed to do their jobs, and 80% of respondents agreed or strongly agreed that they receive the necessary training to do their jobs.

Finding: DPD employees had mixed views regarding the promotion and special assignment process. Half of the survey respondents provided positive responses to the statement, “Special assignments and professional development opportunities are provided to those who demonstrate appropriate work performance.” More than half of the respondents do not think that DPD is unfair in its hiring practices, but just over half of respondents also believe that promotions are seldom related to employee performance.

Finding: The organizational climate survey included open-ended questions that allowed respondents to provide additional comments. Several common themes emerged from the responses to these open-ended questions, including: the belief that cronyism is a problem at DPD, especially with respect to promotions and special assignments; a severe lack of internal communication from DPD’s senior leaders, specifically regarding DPD’s Downtown Unit⁹ and the hiring of racial minorities; an uneven disciplinary atmosphere created by significant differences in performance expectations among patrol supervisors and commanders; and inconsistency in the expectations among sergeants and lieutenants.

- **Recommendation:** PERF believes the DPD would be best served by consistently adhering to the following process for determining special assignments:
- 1) Open positions for special assignments should be advertised department-wide, preferably via an email sent to every DPD employee.
 - 2) Interested employees should complete an application.
 - 3) Completed applications should be forwarded and reviewed by the applicant’s immediate DPD supervisors for comments.
 - 4) Completed applications should be sent to the specialized unit filling the position.

⁹ Also known as District Five, this unit is responsible for policing the downtown Denton entertainment area.

Additionally, PERF recommends the use of a three-person interview panel made up of subject matter experts for the specialized unit. The position-level requirements for the three-person interview panel should be indicated in policy. The three-person interview panel should use fixed questions and a consistent scoring method (e.g., a scoring rubric) for evaluating applicants. A basic skills test may be administered, but DPD must ensure that applicants know it is part of the process and why the test is included in the process. **This recommendation has been implemented.**

- **Recommendation:** DPD leaders must work to better integrate the Downtown Unit into the department. The Downtown Unit is designed to provide visitors and residents with a sense of safety and security while enjoying the local businesses, restaurants, and nightlife. The Downtown Unit assists the City of Denton in making the downtown area an attractive destination. DPD leaders should consider a constant rotation of temporarily assigned patrol officers into the Downtown Unit to expose them to the work of the unit. This will also give patrol officers exposure to the business community and to the problem-solving and communication skills that are essential in the unit.
- **Recommendation:** PERF recommends that through the use of hiring data, DPD leaders readdress the misinformation so that the department can continue to move forward.
- **Recommendation:** The department's new leadership team must clarify the mission and vision of the agency and make a true effort to share this vision through effective internal communication and transparency. **This recommendation has been implemented.**
- **Recommendation:** PERF recommends that DPD's new leadership team ensure that performance and behavioral expectations that can lead to disciplinary action are clearly stated in writing, and are not subject to overly broad or inconsistent interpretations by first-line and mid-level leaders. Consideration should be given to publishing summaries on a quarterly basis of adjudicated misconduct complaints to reduce suspicions of disparate treatment or biased outcomes.
- **Recommendation:** PERF recommends that DPD's new leadership team provide commanders and supervisors with clear expectations and consistent practices for officers to follow regarding their daily law enforcement activities (e.g., report writing, handling calls for service, etc.). Providing clear, consistent requirements for all patrol officers will increase accountability and significantly reduce the confusion that currently exists. **This recommendation has been implemented.**

Workplace Environment and Procedural Justice

During PERF's review of DPD, one common theme that emerged was the belief among many personnel that the agency's culture has not always reflected strong values of leadership, fairness, and internal transparency. These types of concerns are central to the concept of "internal procedural justice."

“Procedural justice” is a term that generally describes practices to ensure that people are treated with dignity, respect, and fairness. In policing, agencies should strive to ensure that officers provide a sense of procedural justice to the community members they encounter every day. There is another type of procedural justice in policing: “internal” procedural justice, which is about applying these principles *within* a police agency, so that officers and other employees feel that they are treated fairly and even-handedly, with respect and dignity.¹⁰

Based on feedback that PERF received during focus groups with DPD employees, as well as a review of the organizational climate survey data, PERF believes that incorporating the principles of internal procedural justice throughout the department can help improve the agency’s overall workplace culture and environment.

Finding: DPD can adopt a number of strategies to improve internal department communications and promote internal procedural justice. Such strategies include soliciting input from employees, improving email communications to DPD employees, holding regularly scheduled formal meetings with department personnel, and using smaller “after-action” debriefing sessions.

- **Recommendation:** DPD should make use of regular, ongoing department-wide meetings, involving both sworn and civilian staff members. These meetings should be used to share information about upcoming changes within the agency and soliciting employee feedback. **This recommendation has been implemented.**
- **Recommendation:** DPD should explore other ways to solicit feedback from employees, including circulating feedback forms regarding possible changes in the department, holding focus groups with a cross-section of personnel, and holding regular “listening” meetings between employees and the chief of police.
- **Recommendation:** The DPD Chief of Police should establish the following standing formal meeting schedule:
 - Command staff (once per week)
 - Supervisors (once per month)
 - Denton Police Officers Association (once per month)
 - Denton Municipal Police Association (once per month)
 - Crime meeting (once per month).

This recommendation has been implemented.

¹⁰ Police Executive Research Forum (2014). *Legitimacy and Procedural Justice: A New Element of Police Leadership*.

http://www.policeforum.org/assets/docs/Free_Online_Documents/Leadership/legitimacy%20and%20procedural%20justice%20-%20a%20new%20element%20of%20police%20leadership.pdf ;

Police Executive Research Forum (2015). *Critical Response Technical Assessment Review: Police Accountability – Findings and National Implications of an Assessment of the San Diego Police Department*. Washington, DC: Office of Community Oriented Policing Services.

<https://www.sandiego.gov/sites/default/files/legacy/police/pdf/perfrpt.pdf>.

- **Recommendation:** DPD should explore the use of after-action briefings following critical incidents or challenging situations, in order to share information about what strategies were effective and to explore aspects of the response that, in hindsight, could be improved upon. In addition to teaching lessons about best practices, such briefings can provide constructive feedback to other unit members and encourage mentoring relationships between junior and senior staff members. **This recommendation has been implemented.**
- **Recommendation:** DPD should periodically recognize employees whose work has had a positive impact on the community or the department. One simple way to ensure that the entire department learns about such awards is for the chief of police to send an email to all DPD employees announcing the honors. **This recommendation has been implemented.**

Additional Recommendations

PERF is offering several other recommendations that will assist the DPD in improving its day-to-day operations. Several of these recommendations are intended to strengthen agency transparency and accountability to the community.

- **Recommendation:** DPD should place the department's policy manual, including its use-of-force policy, on the department's website. Police agencies have found that this practice demonstrates a commitment to transparency with the communities they serve. Examples of two major law enforcement agencies that have posted their policies online are the Seattle and Los Angeles Police Departments.
 - <http://www.seattle.gov/police/publications/manual/default.htm>
 - http://www.lapdonline.org/lapd_manual/
- **Recommendation:** DPD follows progressive policing practices for accepting complaints against agency personnel. However, the manner in which complaints are accepted is somewhat limited. Because the complaint process may not be intuitive for some people who are not familiar with how law enforcement agencies are structured, there should be a clearly identifiable link on the DPD's website that allows individuals to easily access information on DPD's Office of Professional Standards (OPS), information on the complaint process, the complaint form, and instructions for completing the form. Instructions for completing the form, and the form itself, should be available in English and Spanish. DPD also should accept commendations, as well as complaints against officers, through the agency's website. **This recommendation has been implemented.**
- **Recommendation:** If at all possible, DPD should move the Office of Professional Standards (OPS) to an off-site location. An off-site facility, such as a mixed-use office building or another city property, can be less intimidating than the regular police facility for complainants. Furthermore, for officers who visit OPS to be questioned by investigators, the use of an off-site location may protect officer privacy.

- **Recommendation:** DPD should utilize an ombudsman or independent auditor (e.g., a retired judge or prosecutor) to conduct periodic, random reviews of its internal affairs investigations. The U.S. Department of Justice (DOJ) has routinely mandated the creation of an external oversight component in consent decrees and memoranda of agreement during the past 15 years. DOJ documents detailing these agreements serve as excellent resources for the considerations that are involved in establishing an oversight mechanism.¹¹
- **Recommendation:** It was mentioned several times during focus groups that special requests from municipal government officials are often disseminated through DPD without following the chain of command. DPD should implement a consistent process for handling the concerns of local politicians. **When such requests come to the agency, the request should be reviewed by the Assistant Chief, then sent through the chain of command to the proper employee for action. Once the request is complete, the findings or action taken should go back up the chain of command to the Chief, so it then can be relayed back to the requestor.** Agency leaders should maintain a record of these actions. It is important that these requests not skip the chain of command and go directly to officers, because that can cause confusion and misunderstanding among agency supervisors and commanders. **This recommendation has been implemented. Requests are routed through the Chief of Police to the proper member of the department, with the chain of command involved.**

Moving Forward

By commissioning this review and implementing the suggested reforms, DPD has signaled that it is committed to strengthening its policies, operations, and overall service that it provides to the community. PERF's review found that DPD is made up of many talented and dedicated people, and the recommendations provided in this report are intended to build upon this foundation and provide the agency with additional tools and suggestions for taking DPD to the next level of service and professionalism.

¹¹ See U.S. Department of Justice Civil Rights Division, Special Litigation Section webpage, "Cases and Matters," Law Enforcement Agencies section. <https://www.justice.gov/crt/special-litigation-section-cases-and-matters0#police>

INTRODUCTION

In May 2018, the City of Denton, Texas commissioned the Police Executive Research Forum (PERF) to conduct an organizational review of the Denton Police Department (DPD). PERF's review was broad in scope, covering DPD's policies and practices across a variety of areas, including internal leadership and communication, agency transparency and accountability, and use of force and the response to critical incidents. The purpose of this study was not to investigate any specific incident or police officer, but rather to review the department's operations overall.

PERF's review included a thorough analysis of DPD's policies to determine whether they were aligned with progressive practices and national standards. In addition, PERF reviewed the department's organizational structure, fielded an organizational climate survey, and completed a train-the-trainer session on PERF's Integrating Communications, Assessment, and Tactics (ICAT) course, which is designed to increase officer safety and reduce the need for force in many types of incidents.

This report presents PERF's findings and recommendations regarding DPD's policies, procedures, organization structure, and results from the organizational climate survey.

About the Denton Police Department

The DPD is a full-service police department that serves the City of Denton, Texas. Denton is located in north Texas and is part of the Dallas-Fort Worth metroplex. The city has a population of approximately 136,000.¹² As of 2010, the racial and ethnic composition of Denton's residents was:¹³

- 59.9% White
- 23.4% Hispanic or Latino¹⁴
- 10.1% Black or African-American
- 3.9% Asian
- 3.4% Two or More Races.

At the time of PERF's review, DPD was comprised of approximately 200 sworn officers. The department is divided into an Operations Division and an Administration Division, each of which was led by an Assistant Chief.¹⁵ The Operations Division includes the Patrol, Neighborhood Services, and Criminal Investigations Sections. The Administration Division includes the Office of Professional Standards, Support, Accounting and Technology, and Communications Sections.

¹² U.S. Census Bureau. "Quick Facts: Denton, Texas." Retrieved July 27, 2018
<https://www.census.gov/quickfacts/fact/table/dentoncacitytexas/PST045217>.

¹³ Ibid.

¹⁴ The U.S. Census Bureau notes that %ages add to more than 100 because "Hispanics may be of any race, so also are included in applicable race categories."

¹⁵ Due to restructuring following the recent resignation of the Chief of Police and the two Assistant Chiefs, these divisions are now led by two Deputy Chiefs.

The violent crime rate in Denton is relatively low, compared to cities of similar size. Most criminal activity involves property crimes, such as larceny and theft.¹⁶

Project Scope and Methodology

PERF conducted a broad assessment of DPD's policies, practices, and organizational climate and structure. As part of this review, PERF was charged with completing the following tasks:

- Identifying the DPD's core processes and functions.
- Reviewing the DPD's organizational structure and management systems, including those related to internal communication, organizational efficiency, accountability mechanisms, and the processes for determining promotions and specialized assignments.
- Reviewing the department's responses, review, and evaluation process for critical police incidents to ensure that accountability mechanisms are in place.
- Conducting an organizational climate survey to understand employees' levels of satisfaction or dissatisfaction, and assessing perceptions about the workplace environment of the DPD.
- Developing findings and recommendations, to be presented in a report to the City of Denton.

PERF used the following methods to collect information regarding DPD's policies, practices, and organization climate:

Policy review: PERF review DPD's organizational chart, as well as the following DPD policies:

- DPD General Order 5.1 ("Use of Force")
- DPD Special Order 5.2 ("Officer Involved Shootings")
- DPD General Order 5.4 ("Less Lethal Devices and Weapons")
- DPD General Order 4.2 ("Emergency Vehicle Operations and Pursuits")
- DPD General Order 10.2 ("Office of Professional Standards and Administrative Investigations")
- DPD General Order 12.1 ("Active Critical Incidents").

Interviews and on-site observations: The PERF team conducted a site visit to Denton in June 2016. PERF also conducted several focus groups with DPD personnel and Denton city officials, including:

- The Denton City Manager, Deputy City Manager, Assistant City Manager, and Director of Public Affairs

¹⁶ United States Department of Justice. Federal Bureau of Investigation. (2017). "Table 6: TEXAS - Offenses Known to Law Enforcement by City, 2016." *Crime in the United States, 2016*. <https://ucr.fbi.gov/crime-in-the-u.s/2016/crime-in-the-u.s.-2016/tables/table-6/table-6-state-cuts/texas.xls>

- Denton City Council members
- Denton Human Resources personnel
- The Chief of Police
- Assistant Chiefs of Police
- Command Staff
- Sergeants
- Criminal Investigations Bureau investigators
- Patrol officers
- Traffic, Downtown, and School Resource Officers
- Civilian personnel
- Denton Police Officers Association (DPOA) leaders
- Denton Municipal Police Association (DMPA) leaders.

During the site visit, PERF also participated in ride-alongs with DPD patrol officers.

Data collection and analysis: PERF conducted an organizational climate survey to elicit the views of DPD personnel on organizational commitments and job satisfaction, work environment, intra-agency communication, supervision, leadership, training and resources, and the process for hiring and determining opportunities for professional development and special assignments.

This report presents the findings and observations that emerged from PERF's review and contains recommendations on how DPD can strengthen its policies and practices to improve its operations. The recommendations contained in this report are based on progressive policing practices.

This report also provides information regarding the considerable progress that DPD has already made towards implementing PERF's recommendations. Throughout the course of this review, PERF's project team regularly discussed its ongoing findings and recommendations with DPD leaders. DPD began making changes to its policies and practices based on these discussions, and at the time of this report the department had already implemented the majority of PERF's recommendations.

SECTION I. DPD POLICIES AND PROCEDURES

PERF began this project by reviewing the Denton Police Department's (DPD) written rules, policies, and procedures that pertain to the use of force and critical incidents. Specifically, PERF reviewed DPD's use-of-force policy (DPD General Order 5.1), the officer-involved shootings policy (DPD Special Order 5.2), the less-lethal weapons policy (DPD General Order 5.4), the vehicle pursuit policy (DPD General Order 4.2), the policy for administrative investigations (DPD General Order 10.2), and the critical incidents policy (DPD General Order 12.1).

The purpose of PERF's policy review was to determine whether DPD's use-of-force policies are aligned with progressive practices and national standards regarding use of force. PERF also examined whether DPD's policies are sufficient to give officers a clear understanding of the rules, expectations, and guidelines regarding use of force.

This section presents recommendations for how DPD can strengthen its policies on use of force and other issues.

DPD General Order 5.1 - Use of Force

In reviewing DPD General Order 5.1, which governs use of force, PERF identified positive elements and areas that could be strengthened.

PERF has spent several years studying police use of force from a national perspective, based on extensive research and a series of national and regional conferences. In these PERF meetings, many hundreds of police chiefs and other law enforcement officials, academics, federal officials, and other experts shared information and explored options for national best practices to minimize police use of force, particularly in situations in which police encounter persons in mental health crisis or persons with developmental disabilities or other conditions that can cause them to behave erratically or dangerously. Police chiefs from across the nation agreed that officers have few options for de-escalation when confronting criminal suspects armed with firearms, but officers often do have opportunities to "slow down" situations involving persons with a mental illness or other condition who may be armed with a knife, rocks, or other weapon, but not a firearm.

The culmination of this work was the release in 2016 of PERF's 30 Guiding Principles on Use of Force,¹⁷ as well as a comprehensive training guide focused on integrating communications, assessment, and tactics (ICAT).¹⁸ These materials also present a new tool to support decision-making in the field, including during critical incidents. This five-step tool, known as the Critical Decision-Making Model (CDM), is designed to help officers think critically about the various situations they encounter, and make decisions that are safer and more effective, based on a wider

¹⁷ Police Executive Research Forum (2016). *Guiding Principles on Use of Force*. <http://www.policeforum.org/assets/guidingprinciples1.pdf>.

¹⁸ Police Executive Research Forum (2016). *ICAT: Integrating Communications, Assessment, and Tactics*. <http://www.policeforum.org/assets/icattrainingguide.pdf>.

array of options for responding and a more complete analysis of their goals in a particular situation, the nature of any threats, the risks of various responses, and the laws and policies governing their authority.

PERF's review of DPD's use-of-force policies, practices, and training reflects this research, as well as the expertise PERF has gained through conducting dozens of reviews for other law enforcement agencies throughout the country that are similar to Denton.

DPD General Order 5.1.1 (Policy)

Current DPD Policy. DPD's current policy includes the following language: "It is the policy of this Department that officers and/or employees use only the amount of force that appears necessary to accomplish a lawful objective. The use of force must be objectively reasonable, and employ only that force which a reasonably prudent officer/agent would use under the same or similar circumstances.

Policy Analysis. The language used in DPD's policy meets the legal requirements under the U.S. Supreme Court's landmark ruling in *Graham v. Connor*,¹⁹ which establishes a general standard of "objective reasonableness" regarding police use of force. Objective reasonableness represents the legal standard by which police use of force is judged by the courts.

Many police departments have chosen to go beyond the bare requirements of *Graham*. For example, many police agencies have detailed policies and training on issues such as prohibitions against shooting at moving vehicles, rules on pursuits, guidelines on the use of Electronic Control Weapons, and other use-of-force issues that are not required by *Graham*. Many of PERF's 30 Guiding Principles on Use of Force consist of policies and practices that build upon the bedrock of *Graham* in order to achieve better outcomes, including the following:

- Establishing the concept of the sanctity of human life as the basis of what police agencies do;
- Requiring that police use of force meet a test of proportionality;
- Adopting de-escalation as formal agency policy;
- Teaching officers how to use a Critical Decision-Making Model to assess critical incidents;
- Establishing a "duty to intervene" to prevent officers from using excessive force;
- Rendering first aid following a use of force;
- Prohibiting use of lethal force against persons who pose a danger only to themselves;
- Using "distance, cover, and time" to replace outdated concepts such as the "21-foot rule" and "drawing a line in the sand";
- Using effective communications to de-escalate incidents;
- Implementing comprehensive training of officers to deal with persons with mental health issues;

¹⁹ *Graham v. Connor*, 490 U.S. 386 (1989). <http://caselaw.findlaw.com/us-supreme-court/490/386.html>.

- Providing a prompt supervisory response to critical incidents to reduce the likelihood of unnecessary force;
- Using scenario-based training to help officers improve their response to challenging situations;
- Documenting use-of-force incidents and reviewing data and enforcement practices to ensure they are fair and non-discriminatory.²⁰

DPD can strengthen its policy by adding language to General Order 5.1.1 that more clearly defines the basis for using force. This language should go beyond the minimum legal standard established in *Graham*, and reflect key concepts such as de-escalation and proportionality. These concepts should also be incorporated into all DPD's policies, practices, and training on use of force.

More specifically, DPD's current policy does not include language regarding the sanctity of life, de-escalation, or the duty to intervene.

Recommended Policy Changes. PERF recommends making the following changes to General Order 5.1.1:

- **Recommendation:** At the beginning of this section, DPD should add a sentence emphasizing **the sanctity of human life**. For example, the Baltimore Police Department's use-of-force policy states: "The policy of the Baltimore Police Department is to value and preserve human life in all situations."²¹

Status: This recommendation has been implemented.

- **Recommendation:** DPD should adopt **de-escalation** as formal agency policy, and language should be added to this section to reflect this approach. The policy should state that de-escalation is the preferred, tactically sound approach in many critical incidents. The policy should require officers to receive training on key de-escalation principles. Many agencies already provide crisis intervention training as a key element of de-escalation, but crisis intervention policies and training must be merged with a new focus on tactics that officers can use to de-escalate situations. De-escalation policy should also include discussion of proportionality, using distance and cover, tactical repositioning, "slowing down" situations that do not pose an immediate threat, calling for supervisory and other resources, and related concepts.
 - For example, the Seattle Police Department's policy states that "When safe under the totality of the circumstances and time and circumstances permit, officers shall use de-escalation tactics in order to reduce the need for force."²²

²⁰ Police Executive Research Forum (2016). *Guiding Principles on Use of Force*.
<http://www.policeforum.org/assets/guidingprinciples1.pdf>.

²¹ Baltimore Police Department (2016). "Policy 1115 ('Use of Force')".
https://www.baltimorepolice.org/sites/default/files/Policies/1115_Use_Of_Force.pdf

²² Seattle Police Department (2015). "Title 8 – Use of Force ('Use of Force Core Principles')".
<http://www.seattle.gov/police-manual/title-8---use-of-force/8000---use-of-force-core-principles>

Status: This recommendation has been implemented.

- **Recommendation:** DPD should add a statement regarding **the duty to intervene** to this section of the use-of-force policy. This statement should include the following language: “Officers have a duty to intervene if they anticipate or observe the unreasonable, unnecessary, or disproportionate use of force.”

Status: This recommendation has been implemented.

DPD Policy 5.1.2 (Definitions)

Current DPD Policy. DPD’s current policy includes the following five definitions:

- **Deadly Force:** Any use of force that is reasonably likely to cause death.
- **Non-deadly Force:** Any use of force other than that which is considered deadly force. This includes any physical effort used to control or restrain another or to overcome the resistance of another, i.e., physical strength or skill of one or more officers, use of oleoresin capicum (OC spray), baton, TASER device, or other approved equipment.
- **Objectively Reasonable:** This term means that, in determining the necessity for force and the appropriate level of force, officers shall evaluate each situation in light of the known circumstances, including, but not limited to, the seriousness of the crime, the level of threat or resistance presented by the subject, and the level of danger to the officer/agent or the community.
- **Reasonable Force:** Force used by Department members that is reasonable and/or necessary in the performance of their duties and evaluated in light of the totality of facts and circumstances known to the member at the time force is used.
- **Normal Circumstances:** Circumstances in which the officer has not been deprived of his/her ability to employ approved methods or weapons.

Policy Analysis. Some of the terms defined in DPD’s current policy are dated. For example, the term “non-deadly force” is misleading, because it does not account for the fact that weapons that were once called “non-deadly,” such as Electronic Control Weapons, have resulted in death in many cases. Also, DPD’s current policy does not include definitions for several key terms, such as proportionality and de-escalation. These terms reflect concepts that PERF recommends DPD incorporate into its policy, and they should be clearly defined at the outset.

Recommended Policy Changes. PERF recommends making the following changes to 5.1.2 (Definitions):

- **Recommendation:** PERF recommends the use of the terms “**lethal force**” and “**less-lethal force**” in the “Definitions” section and throughout all of DPD’s policies, rather than “deadly force” and “non-deadly force.” DPD should carefully review all policies to ensure the consistent use of these terms.

Status: This recommendation has been implemented.

- **Recommendation:** DPD should add a definition of “**Proportionality**” to this section. The definition should state that proportionality involves officers: (1) using only the level of force necessary to mitigate the threat and safely achieve lawful objectives; (2) considering, if appropriate, alternate force options that are less likely to result in injury but will allow officers to achieve lawful objectives; and (3) considering the appropriateness of officers’ actions. The concept of proportionality does not mean that officers, at the moment they have determined that a particular use of force is necessary and appropriate to mitigate a threat, should delay their response in order to consider how their actions will be viewed by others. Rather, officers should begin considering what might be appropriate and proportional as they approach an incident, and they should keep this consideration in their minds as they are assessing the situation and deciding how to respond. Proportionality also considers the nature and severity of the underlying events.²³

Status: This recommendation has been implemented.

- **Recommendation:** DPD should add a definition of “**De-escalation**” to this section. The definition should emphasize proportionality, the use of distance and cover, tactical repositioning, “slowing down” situations that do not pose an immediate threat, calling for supervisors and other resources, and similar actions and tactics.²⁴

Status: This recommendation has been implemented.

DPD Policy 5.1.3 (Use of Force/General Rules)

Current DPD Policy. This **section**, in its entirety, reads as follows:

“No officer or employee shall carry, or under normal circumstances, use any weapon, method, or instrumentality unless it is Department approved and not until he/she has been properly trained in its use of, except as provided in the next paragraph. ‘Training’ shall include competence in the mechanical and physical aspects of its function and knowledge/understanding of any laws or applicable policy regarding its use.

The Department realizes that in exigent, tense, uncertain, and/or rapidly evolving confrontations an officer may need to use techniques, weapons, and/or improvised weapons/techniques which are not a part of this Department’s formal training curricula, and/or which may not be specifically addressed by this policy. Also, the officer may need to use a technique or weapon in a manner that does not parallel Department training. It is further recognized, that due to the unpredictable nature of a person’s movements and/or actions under these circumstances, the officer’s technique(s) and/or weapon(s) may unintentionally (on the part of the officer) impact a bodily area, or produce an outcome which does not parallel Department training. In evaluating the appropriateness of an officer’s actions in these circumstances, the

²³ See PERF, *Guiding Principles on Use of Force*, pp. 38-40.
<http://www.policeforum.org/assets/guidingprinciples1.pdf>.

²⁴ Ibid, pp. 54-65.

Department will examine each instance on a case-by-case basis in light of the foregoing to determine whether or not the force used was reasonable, and thus, authorized by policy.”

Policy Analysis. Many agencies’ use-of-force policies also include a discussion of proportionality and prohibitions against using force against those who are only a danger to themselves.

The determination of whether force is reasonable should include a calculation of whether the officer’s response was proportional to the threat being faced. The test for proportionality includes examining factors such as the nature and severity of the underlying threat, as well as whether the officer’s actions will be viewed as appropriate given the totality of the circumstances.²⁵

Additionally, some police agencies have faced situations in which an officer uses lethal force against individuals who posed a danger only to themselves, such as a person threatening suicide or experiencing a mental health crisis. Even though it may seem obvious that this not the appropriate course to take, agencies have found it helpful to include language in their policies that explicitly prohibits officers from using lethal force against individuals in these situations.

Recommended Policy Changes. PERF recommends the following changes to 5.1.3 (Use of Force/General Rules):

- **Recommendation:** DPD should add language to this section stating that force used by officers should be **proportional to the threat**. In assessing whether a response is proportional to the threat being faced, officers should consider the following factors:
 - Whether the level of force is necessary to mitigate the threat and safely achieve a lawful objective;
 - Whether there is another, less injurious option available that will allow the officer to achieve the same objective as effectively and safely; and
 - Whether the officer’s actions will be viewed as appropriate given the severity of the threat and the totality of the circumstances.

Status: This recommendation has been implemented.

- **Recommendation:** DPD should add language to this section that prohibits the use of lethal force against individuals who pose a danger only to themselves and not to other members of the public or to officers. Officers should also be required to consider the use of many available less-lethal options in these situations. Officers should be prepared to exercise considerable discretion to wait as long as necessary so that the situation can be resolved peacefully.²⁶

Status: This recommendation has been implemented.

²⁵ See PERF, *Guiding Principles on Use of Force*, pp. 38-40.

²⁶ See PERF, *Guiding Principles on Use of Force*, p. 48.

DPD Policy 5.1.6 (Use of Force Restrictions)

Current DPD Policy. This section of DPD’s use-of-force policy includes language prohibiting the use of warning shots under any circumstances, and explains the department’s approach to shooting at moving vehicles. The portion of this **section** regarding shooting a moving vehicle states:

“Discharging a firearm from or at a moving vehicle is governed by the Use of Deadly Force (5.1.4) and should only be considered in cases whereby an officer reasonably believes that use of a firearm is immediately necessary to protect the officer or another from the risk of death or serious bodily injury.”

The Department recognizes that shooting at vehicles to disable or stop them is seldom effective and often poses unreasonable risks to the officer or others. Therefore, the Department discourages officers from intentionally placing themselves in vulnerable positions such as attempting to enter a moving vehicle, or standing in front of or behind a vehicle that is moving or may likely suddenly move in order to flee:

“Thus, officers shall not discharge their firearms at a moving vehicle, unless the occupants are using deadly force against the officer or another person, by means other than the vehicle; and officers are therefore authorized to exercise the use of deadly force otherwise provided in this policy.”

Policy Analysis. Many police agencies have adopted strict prohibitions on shooting at or from a moving vehicle when the vehicle itself is the only “weapon” being used against officers. For example, agencies with this policy include the following: the New York City Police Department (which adopted it in 1972); the Boston Police Department; the Cincinnati Police Department; the Denver Police Department; the Philadelphia Police Department; and the Washington, DC Metropolitan Police Department.²⁷ Some agencies have found that the number of police shootings was significantly reduced by enacting this type of absolute prohibition.

However, PERF recognizes the recent trend of using motor vehicles as a weapon of mass destruction. This has been observed both internationally and within the United States.²⁸ PERF understands that this type of threat may require an extraordinary response to stop the threat and protect life. If this event were to occur within the City of Denton, any use of force, particularly lethal force, must be evaluated based on the totality of the circumstances and the necessary, reasonable, and proportional use of force.

Recommended Policy Changes. PERF recommends the following changes to this section:

²⁷ Discussion and citations available in *Guiding Principles on Use of Force*, p. 44-47.

<http://www.policeforum.org/assets/guidingprinciples1.pdf>

²⁸ In July 2016, a cargo truck was rammed into a crowd in Nice, France. This attack resulted in the deaths of 86 people and 458 people were injured. In the United States, a vehicle was used to attack a crowd in Charlottesville, VA in August 2017. One person was killed, and 19 others were injured. In October 2017, a vehicle was rammed through a crowded bike lane in New York City. Eight people were killed, and 12 were injured.

- **Recommendation:** DPD should remove the following current policy language “...and officers are therefore authorized to exercise the use of deadly force otherwise provided in this policy” and add the following language to the end of the first paragraph regarding shooting at vehicles: “The only exception is an apparent act of terrorism when the vehicle is being used as a weapon of mass destruction.”

Status: This recommendation has been implemented.

DPD Policy 5.1.7 (Medical Treatment)

Current DPD Policy. Section 5.1.7 specifies instructions for providing medical assistance to subjects involved in a force situation. It states, “In all use of force events resulting in injury, necessary medical treatment will be provided in the form of first aid or EMS response consistent with the type of injury or noticeable condition of the affected person.”

Policy Analysis. DPD’s policy explicitly requires officers to render first aid to subjects, but does not clearly state that officers shall promptly request medical assistance as soon as it is safe and practical to do so. The policy also does not include instructions for officers if a subject’s injuries are not obvious following a force situation, but the subject complains of injury.

Recommended Policy Changes. PERF recommends making the following changes to Section 5.1.7 (Medical Treatment):

- **Recommendation:** DPD should add language to Section 5.1.7 stating that officers shall promptly request medical assistance as soon as it is safe and practical to do so following a force incident.

Status: This recommendation has been implemented.

- **Recommendation:** DPD should include language that requires a medical evaluation of subjects who complain of injury, regardless of whether injuries are visible, following a use-of-force incident.

Status: This recommendation has been implemented.

DPD Policy 5.1.9 (Reporting and Review)

Current DPD Policy. Section 5.1.9 states the following:

“Personnel involved in use of force applications included, but not limited to: firearm discharges (other than those exceptions listed in General Order 5.2.1), other deadly or non-deadly force applications, and weaponless physical force measures, will record their actions and document any resulting injuries to any person, included any Department personnel, by completing all appropriate Department reports, i.e., offense, arrest, incident report, etc.”

The policy also instructs officers to photograph subjects’ injuries or alleged injuries, damaged property, and injuries to Department personnel. This section goes on to state that officers need to

complete the Department's "Taser Use" report if the device was deployed, and that the report must be reviewed by the officer's command hierarchy.

Section 5.1.9 also states: "Techniques such as physical touching, gripping, holding, frisking, or handcuffing, may be documented within applicable police reports; however, such activities do not require completion of the "Use of Force" form unless injury occurs to any person." Finally, the policy requires the Office of Professional Standards (OPS) to present a written report to the Chief of Police on an annual basis. According to the policy, OPS is to coordinate with the Training Section to analyze all reported use-of-force applications to identify trends, discipline issues, training needs, weapon/equipment concerns, officer safety issues, and/or potential policy modifications.

***Policy Analysis.* DPD policy does not require supervisors to respond to critical incidents where force may be necessary. Many police agencies have found that dispatching a supervisor to the scene of a critical incident can reduce the likelihood that lethal force will be used. There is often a short period of time between when an officer is dispatched to a scene and when force is used, so supervisory response should be prompt. Some police agencies have trained their dispatchers to go on the radio and specifically ask patrol supervisors if they are en route to certain high-risk calls.**

At PERF's 2016 meeting on use of force, former San Diego Police Chief William Lansdowne noted that there is typically about a 15-minute window of time from when a call comes in regarding a critical incident, and when first shots are fired. "If you have a system set up within your organization that gets a supervisor to the scene early on, within the 15-minute window, your chance of having an officer-involved shooting – getting someone hurt, your officer or the person – is reduced by about 80% because they can manage the situation as a team," Chief Lansdowne said.²⁹

Additionally, PERF's *Guiding Principles on Use of Force* recommend that police agencies document "all uses of force that involve a hand or leg technique; the use of a deadly weapon, less-lethal weapon, or weapon of opportunity; or any instance where injury is observed or alleged by the subject. In addition, agencies should capture and review reports on the pointing of a firearm or an Electronic Control Weapon at an individual as a threat of force."³⁰ The reason for requiring reporting in these circumstances is to help agencies identify areas for improvement with respect to policies and training, and to promote accountability and transparency within the agency.

PERF agrees with the requirements for the annual use-of-force report. In addition, DPD should publish the annual use-of-force report on the department's website to promote transparency. According to the *Final Report of the President's Task Force on 21st Century Policing*, "law enforcement agencies should establish a culture of transparency and accountability in order to build public trust and legitimacy."³¹

²⁹ PERF, *Guiding Principles on Use of Force*, p. 63.

³⁰ PERF, *Guiding Principles on Use of Force*, pp. 48-49.

³¹ *Final Report of the President's Task Force on 21st Century Policing*. 2015. Washington, DC: Office of Community Oriented Policing Services. <https://ric-zai-inc.com/Publications/cops-p311-pub.pdf>

Finally, law enforcement agencies have moved toward instituting use-of-force review boards to identify policy, training, or equipment issues following officer-involved shootings. A use-of-force board allows an agency to quickly identify issues and take immediate action if necessary. DPD should consider creating a board to review all serious use-of-force incidents.

Recommended Policy Changes. PERF recommends making the following changes to Section 5.1.9 (Reporting and Review):

- **Recommendation:** DPD should add a requirement that supervisors immediately respond to any scene where a weapon is reported (including a firearm, edged weapon, rocks, or other improvised weapons); where a person experiencing a mental health crisis is reported; or where a dispatcher or other member of the department believes there is potential for significant use of force.

Status: This recommendation has been implemented in practice, and will be added to policy in the near future.

- **Recommendation:** DPD should add the following statement: “Officers will document all uses of force that involve a hand or leg technique; the use of a lethal weapon, less-lethal weapon, or weapon of opportunity; or any instance where injury is observed or alleged by the subject that is the result of an officer’s use of force. The pointing of a firearm or an Electronic Control Weapon at an individual as a threat of force should be documented in incident reports.”

Status: This recommendation has been implemented in practice, and will be added to policy in the near future.

- **Recommendation:** DPD should eliminate its “Taser Use” report. In order to make reporting uses of force as simple as possible, one form should be used for reporting all use-of-force incidents.

Status: This recommendation has been implemented.

- **Recommendation:** DPD should publish its annual use-of-force report on the department’s website. The report should inform the public about how data on use-of-force incidents are captured, the number of incidents that occurred, and whether the incidents were within policy. This report should be used to analyze use-of-force trends, opportunities for improvements, and demonstrate transparency. Many police departments publish annual use-of-force reports on their departmental websites. One example is the Seattle, WA Police Department.³²

Status: This recommendation is in the process of implementation.

³² Seattle Police Department. (2017). *Use of Force Annual Report*.
<https://www.seattle.gov/Documents/Departments/Police/Publications/Use%20of%20Force%20Annual%20Report%20-%20Final.pdf>

- **Recommendation:** PERF recommends formalizing the review of officer-involved shootings, in-custody deaths, hospitalization of prisoners, and serious use-of-force incidents (including use of Electronic Control Weapons, batons, and OC spray) by establishing a performance review board.
- The formal review of these incidents, conducted as a matter of course, will provide valuable opportunities to identify lessons that can be incorporated into officer training, gaps in tactics, any need for additional equipment to be provided to officers, or any need for changes in policy. Incidents that were captured by body-worn cameras can be especially useful for identifying ways to improve officers' tactics and tools while providing accountability.

The review board, consisting at a minimum of the assistant chief of operations, a lieutenant or sergeant from training, and a representative from professional standards, should convene quarterly to review each serious use-of-force incident. The board should review any use of force that resulted in a death or injury or involved the use of a lethal or less-lethal tool. The review board should serve to ensure that tactics, equipment, and policy are reviewed, and areas of concern are addressed.

In addition, the review board should meet within 24 to 48 hours following an officer-involved shooting or in-custody death. The review board should be briefed by investigators regarding the facts of the case known at that time to ensure that no immediate changes to policy, training, or equipment are necessary. The review board should present all findings and recommendations to the chief of police.

Status: This recommendation is in the process of implementation.

DPD General Order 5.2 – Officer Involved Shootings

Upon reviewing this policy, PERF found that much of the content also applies to the handling of in-custody deaths, in addition to officer-involved shootings. Based upon this finding, PERF recommends DPD make the following change to this policy:

- **Recommendation:** DPD should change the title of General Order 5.2 from “Officer Involved Shootings” to “Officer Involved Shootings and In-Custody Deaths.”

Status: This recommendation has been implemented.

DPD Policy 5.2.2 (Reporting Discharge of Weapons)

Current DPD Policy. Section 5.2.2 includes language requiring officers to use the department's use-of-force form to report all weapon discharges except those occurring during training exercises, qualification courses or practice sessions, or incidents in which a firearm was used to destroy a critically injured or vicious animal.

Policy Analysis. PERF believes that DPD’s treatment of *all* officer-involved shootings as serious in nature, regardless of whether the bullet or other projectile struck someone (contact shooting) or did not (non-contact shooting), is a progressive policing practice. It is the officer’s *intent* to shoot that should be documented, regardless of the officer’s marksmanship in a particular situation. Therefore, it is a good practice for the agency to document and review the use of lethal force, whether or not injury or death occurred.

Recommended Policy Changes. None. DPD should continue to enforce this policy.

DPD Policy 5.2.3 (Investigation of Officer-Involved Shootings)

Current DPD Policy. As this section is presently titled, it only seems to cover the investigatory process for non-fatal and fatal officer-involved shootings.

Policy Analysis. PERF believes the section regarding the investigation of fatal officer-involved shootings should also be used to investigate all in-custody deaths.

Recommended Policy Changes. PERF recommends the following changes to this section:

- **Recommendation:** DPD should change the title of this section to “Investigation of Officer-Involved Shootings and In-Custody Deaths.” The same reporting and investigation procedure should be followed for fatal officer-involved shootings and in-custody deaths.

Status: This recommendation has been implemented.

No Death or Injury

Current DPD Policy. The first part of this section provides the department’s policy on investigating officer-involved shootings that did not result in a subject’s injury or death (i.e., a non-contact shooting). This section includes the following language:

“In situations where an officer uses deadly force that does not result in death or injury, a written report will be prepared and submitted to the officer’s immediate supervisor. The supervisor will investigate the incident to determine compliance with this and any other applicable policy. When necessary, the supervisor may call out an investigator to assist in the investigation. The supervisor will prepare an investigative report and forward it, via the chain of command, to the Chief of Police.”

Policy Analysis. As previously stated in the “Reporting Discharge of Weapons” section, it is considered a progressive policing practice for all officer-involved shootings to be treated as serious in nature. Because it is the officer’s intent that matters and not his or her marksmanship, DPD is taking the steps necessary to investigate non-contact shootings to ensure the officer’s actions were permitted by department policy.

Recommended Policy Changes. None. DPD should continue to enforce this policy.

Death or Injury

Current DPD Policy. The remaining portion of this section details the actions to be taken if the discharge of an officer's firearm results in the injury or death of a subject. The policy requires that the on-duty field supervisor be notified immediately. In addition to preserving the scene, the field supervisor must contact the Criminal Investigations Division Lieutenant, the Field Operations Lieutenant, the on-call Public Information Officer, on-call Investigator, and the Peer Support Team. The Criminal Investigations Division Lieutenant is responsible for requesting the Texas Ranger assigned to the Denton area, Forensics Officer, and the Criminal Investigations Division Deputy Chief each respond to the scene. The Field Operations Lieutenant has the responsibility of notifying the Deputy Chief of the involved officer, the Chief of Police, and the Office of Professional Standards (OPS). While the Texas Rangers are responsible for conducting the criminal investigation, DPD's OPS conducts an internal investigation to determine if the officer's actions were within policy.

Policy Analysis. Many agencies have moved toward instituting use-of-force review boards to identify policy, training, or equipment issues following officer-involved shootings. A use-of-force board allows an agency to quickly identify issues and take immediate action if necessary.

Recommended Policy Changes. PERF recommends making the following changes to Section 5.2.3 (Investigation of Officer-Involved Shootings):

- **Recommendation:** All officer-involved shootings or in-custody deaths should be examined by the use-of-force review board within 24 to 48 hours following the incident. The review board should be briefed by investigators regarding the facts of the case known at that time to determine whether any immediate changes to policy, training, or equipment are necessary.

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Status: This recommendation has been implemented.

DPD Policy 5.2.4 (Post-Shooting Procedure)

Current Policy. This section includes the procedure that is to be followed for officers involved in a shooting incident. The language used in this policy addresses the actions that are to occur immediately following the shooting, leave or special assignment requirements, mandatory counseling requirements, and guidance to officers on the extent to which they are to cooperate with the Texas Rangers and the Office of Professional Standards.

Policy Analysis. PERF agrees with the mandatory requirement for officers to attend counseling prior to returning to regular duty following an officer-involved shooting. In addition, because the psychological impact may not be felt immediately following a shooting incident, it is recommended that a follow-up counseling appointment occur approximately six months after officers return to normal duty to ensure their well-being.

Recommended Policy Changes. PERF recommends that DPD make the following changes to Section 5.2.4:

- **Recommendation:** DPD should continue the practice of requiring all officers involved in an officer-involved shooting or in-custody death to schedule a session with the department-approved psychologist prior to returning to work. In addition, the department should initiate the practice of a mandatory follow-up appointment with the department-approved psychologist, approximately six months after the original visit, to ensure that the mental health and well-being of the officer are being addressed.

Status: This recommendation has been implemented.

DPD General Order 5.4 – Less Lethal Devices and Weapons

PERF believes DPD would be better served if General Order 5.4 (“Less-Lethal Devices and Weapons”) was combined with DPD general use-of-force policy (General Order 5.1), specifically in Section 5.1.5 (Use of Less Lethal Force). If DPD combines these policies, then the department should include definitions listed in General Order 5.4 that are not already in General Order 5.1 and should delete Sections 5.4 (Purpose) and 5.4.1 (Policy).

If DPD chooses to maintain separate policies, then the department should implement PERF’s recommendations listed below for Sections 5.4.1 (Policy) and 5.4.2 (Definitions).

DPD Policy 5.4.1 (Policy)

Current DPD Policy. DPD’s current policy contains the following language:

“It is the Department’s policy to ensure that members are properly trained in the use of less lethal tools and the circumstances of their use. Supervisors shall rigorously enforce Departmental weapons standards. Employees shall neither carry nor use any less lethal weapons unless they have received training and have qualified. Uniformed officers shall carry at least one less lethal weapon system when on-duty or when working an extra-duty assignment.”

Policy Analysis. Section 5.4.1 does not include language regarding the sanctity of life, objective reasonableness, proportionality, and de-escalation.

As previously stated [see “DPD General Order 5.1.1 (Policy)” section above], policy language about the sanctity of life is a progressive policing practice. In addition, the policy does not clearly define the basis for using force. DPD can strengthen this section by including language that meets the legal standard established in *Graham v. Connor*³³ and also goes beyond the minimum legal standard established in *Graham*.

³³ *Graham v. Connor*, 490 U.S. 386 (1989). <http://caselaw.findlaw.com/us-supreme-court/490/386.html>.

Recommended Policy Changes. PERF recommends making the following changes to Section 5.4.1 (Policy):

- **Recommendation:** DPD should add language regarding the **sanctity of life** to this policy to demonstrate that it is fully committed to progressive policing practices.

Status: This recommendation has been implemented.

- **Recommendation:** DPD should include language about **objective reasonableness** to this policy. The language should state that officers are to only use the amount of force that appears necessary to accomplish a lawful objective, that uses of force must be objectively reasonable, and that officers will use only the force that a reasonable officer would use under the same or similar circumstances.

Status: This recommendation has been implemented.

- **Recommendation:** DPD should add language to this section stating that force used by officers should be **proportional to the threat**. In assessing whether a response is proportional to the threat being faced, officers should consider the following factors:
 - Whether the level of force is necessary to mitigate the threat and safely achieve a lawful objective;
 - Whether there is another, less injurious option available that will allow the officer to achieve the same objective as effectively and safely; and
 - Whether the officer's actions are appropriate given the severity of the threat and the totality of the circumstances.

Status: This recommendation has been implemented.

- **Recommendation:** DPD should add language regarding the use of **de-escalation tactics** to this policy. The language should state that de-escalation is the preferred, tactically sound approach in many critical situations, and officers should use de-escalation tactics when it is safe and time permits.

Status: This recommendation has been implemented.

DPD Policy 5.4.2 (Definitions)

Current DPD Policy. DPD's current policy includes the following nine definitions:

- **“Active Aggression:** A physical act threatening assault or a verbal statement threatening assault, coupled with the immediate ability to carry out the threat or assault that would cause a reasonable person to believe bodily injury is imminent to any person.
- **Defensive Resistance:** Physical actions that attempt to prevent the officer's control, but make no direct to harm the Officer. At this level of resistance the subject attempts to push or pull away in a manner that does not allow the

officer to establish control. This would include muscle tensing that prevents the officer from safely controlling the subject. However, the subject never attempts to strike the officer.

- **Kinetic Energy Impact Projectiles:** Flexible or non-flexible projectiles, which are intended to gain compliance or incapacitate a subject through pain compliance, with a reduced potential for causing death or serious injury when properly used, as compared to conventional weapons or projectiles.
- **Less-lethal Force:** An amount of force that is not likely to cause death or serious bodily injury.
- **Less-lethal Weapons:** Weapons designed to, under ideal circumstances, incapacitate, or gain compliance from a subject to affect a safer transition of the subject into custody.
- **Objectively Reasonable:** In determining the appropriate level of force, officers shall evaluate each situation in light of the known circumstances, including, but not limited to, the seriousness of the crime, the level of the threat or resistance presented by the subject, and the level of threat to the community. The appropriate level of force would be that level of force that any reasonable and prudent officer would employ under similar circumstances.
- **Oleoresin Capsicum (OC):** A liquid or foam spray containing oleoresin capsicum in sufficient concentration to produce a short period of pain, gagging, and impairment of vision.
- **Passive Resistance:** A person's refusal to comply with a lawful order from an officer or jailer that does not include any physical act, verbal statement, or pre-fight behavioral indicators that would cause the officer or jailer to believe that there is an imminent risk of bodily injury to any person.
- **Warning:** Verbally informing the subject and other officers that a less-lethal device or weapon is about to be deployed."

Policy Analysis. The definition of "objectively reasonable" in Section 5.4.2 is not consistent with the definition of the same term that is found in General Order 5.1 ("Use of Force"). Also, DPD's policy does not include the definition of key terms, such as proportionality and de-escalation.

Recommended Policy Changes. PERF recommends the following changes to 5.4.2 (Definitions):

- **Recommendation:** DPD should change the definition of "**Objectively Reasonable**" currently used in Section 5.4.2 to match the definition for the term that is found in General Order 5.1. The definition should read: "This term means that, in determining the necessity for force and the appropriate level of force, officers shall evaluate each situation in light of the known circumstances, including, but not limited to, the severity of the crime at issue, whether the suspect poses an immediate threat to the safety of the officers or others, and whether the suspect is actively resisting arrest or attempting to evade arrest by flight."

Status: This recommendation has been implemented.

- **Recommendation:** DPD should add a definition of "**Proportionality**" to this section. The definition should state that proportionality involves officers: (1) using only the level of force necessary to mitigate the threat and safely achieve lawful objectives; (2)

considering, if appropriate, alternate force options that are less likely to result in injury but will allow officers to achieve lawful objectives; and (3) considering the appropriateness of officers' actions. The concept of proportionality does not mean that officers, at the moment they have determined that a particular use of force is necessary and appropriate to mitigate a threat, should delay their response in order to consider how their actions will be viewed by others. Rather, officers should begin considering what might be appropriate and proportional as they approach an incident, and they should keep this consideration in their minds as they are assessing the situation and deciding how to respond. Proportionality also considers the nature and severity of the underlying events.³⁴

Status: This recommendation has been implemented.

- **Recommendation:** DPD should add a definition of “De-escalation” to this section. The definition should emphasize proportionality; the use of distance, cover, and tactical repositioning to “slow down” situations that do not pose an immediate threat; calling for supervisors and other resources; and similar actions and tactics.³⁵

Status: This recommendation has been implemented.

DPD Policy 5.4.3 (Certification Requirements)

Current DPD Policy. Section 5.4.3 includes the department's policy on certification requirements for less-lethal weapons. According to the policy, DPD officers are not permitted to carry weapons unless they receive the appropriate training and certification. The policy also stipulates that certification courses must include competence in the mechanical and physical aspects of the weapon, and knowledge of law and policies governing the use of the weapon. The policy further states: “In order to maintain certification as a trained user of a specific weapon system, the certified member must successfully...re-certify at least once every two years with the specific weapon system(s) that he employee carries.”

Policy Analysis. The language in this policy regarding how often officers must recertify as a trained user of a specific weapon system is too generic and does not differentiate recertification requirements for the various types of less-lethal weapons issued by the department. While some less-lethal weapons may only require officers to be recertified once every two years, that is not the case for all less-lethal weapons. According to the report, *2011 Electronic Control Weapon Guidelines*, recertification for Electronic Control Weapons (ECWs) “should occur at least annually and should consist of physical competency and weapon retention, agency policy including any changes, technology changes, and reviews of local and national trends in ECW use. Recertification should also include scenario-based training.”³⁶

³⁴ See PERF, *Guiding Principles on Use of Force*, pp. 38-40.

<http://www.policeforum.org/assets/guidingprinciples1.pdf>.

³⁵ Ibid, pp. 54-65.

³⁶ Police Executive Research Forum and COPS Office (2011). *2011 Electronic Control Weapons Guidelines*. [http://www.policeforum.org/assets/docs/Free Online Documents/Use of Force/electronic%20control%20weapon%20guidelines%202011.pdf](http://www.policeforum.org/assets/docs/Free%20Online%20Documents/Use%20of%20Force/electronic%20control%20weapon%20guidelines%202011.pdf).

Recommended Policy Changes. PERF recommends making the following changes to Section 5.4.3 (Certification Requirements):

- **Recommendation:** DPD should require that recertification for Electronic Control Weapons (ECWs) occur on an annual basis, and language should be added to this policy to reflect that change.

Status: This recommendation has been implemented.

DPD Policy 5.4.5 (Tasers)

Section 5.4.5 governs the use of Tasers (hereinafter referred to as Electronic Control Weapons, or ECWs, as recommended below, except when citing directly to DPD policy language).

PERF's review identified several opportunities for strengthening DPD's ECW policy. The recommendations included in this section are largely based on the report *2011 Electronic Control Weapon Guidelines*, which was released by PERF and the Department of Justice's Office of Community Oriented Policing Services (COPS Office) in 2011.³⁷ That publication provides a set of guidelines for ECWs that address policies, training, use, medical considerations, reporting and accountability, and public information and community relations.

The PERF/COPS Office guidelines were based on PERF's research, which included input from 150 police executives, researchers, doctors, attorneys, and other experts to participated in a 2010 PERF conference that explored key policy issues.

(Significantly, the PERF/COPS Office ECW guidelines were cited in a 2016 decision by the U.S. Court of Appeals for the Fourth Circuit, which held that "[i]mmediately tasing a non-criminal, mentally ill individual, who seconds before had been conversational, was not objectively reasonable."³⁸ In response to the *Pinehurst* decision, several agencies in jurisdictions within the Fourth Circuit amended their use-of-force and ECW policies to reflect the ruling and the PERF/COPS Office guidelines. For example, the Hendersonville, NC Police Department changed its policy to restrict the use of ECWs to individuals who only pose an immediate threat to an officer.³⁹ The Baltimore City Police Department moved the ECW closer to lethal force and updated its policy to only allow the use of ECWs against an individual displaying aggravated or aggressive resistance.⁴⁰)

PERF's review found that DPD's ECW policies are largely aligned with the progressive practices outlined in the 2011 guidelines. The recommendations below are intended to address the few areas of DPD's ECW policy that could be strengthened.

³⁷ Ibid.

³⁸ *Armstrong v. the Village of Pinehurst*, No. 15-1191. January 11, 2016. Page 21.
<http://www.ca4.uscourts.gov/Opinions/Published/151191.P.pdf>

³⁹ Margulis, Abigail (2016). *Law Enforcement Advised to Change Taser Policies*. January 23.
<http://www.blueridgenow.com/news/20160123/law-enforcement-advised-to-change-taser-policies>

⁴⁰ Donovan, Doug and Mark Puente (2016). *Police Officers Could Be Sued Over Unconstitutional Taser Use, Courts Find*. March 26. <http://www.baltimoresun.com/news/maryland/investigations/bs-md-taser-project-legal-20160326-story.html>

ECW Terminology

Current DPD Policy. Throughout this policy, DPD refers to an ECW by the brand name, TASER.

Policy Analysis. The PERF/COPS Office guidelines recommend not using the brand name of the device or referring to the devices as a “Conducted Energy Device.” Instead, it is recommended that the term “Electronic Control Weapon” be used. This reflects “the reality that these tools are less-lethal weapons that are meant to help control persons who are actively resisting authority or acting aggressively.”⁴¹

Recommended Policy Changes. PERF recommends the following changes:

- **Recommendation:** DPD should revise its policy to replace all references to “TASER” with the more descriptive and appropriate term, “Electronic Control Weapon (ECW).” This change will help clarify that ECW’s are in fact weapons that carry a risk of harming persons, including fatal injuries in some cases. The change should be made through all DPD policies and in all other orders, directives, and training curricula which reference such devices.

Status: This recommendation has been implemented.

Limitation on ECW Deployment

Current DPD Policy. In Section 5.4.5, officers are warned of the risk and advised not to use ECWs in the following situations: “In close proximity to flammable liquids, gases, blasting materials or any other highly combustible materials including, but not limited to, any subject who may be contaminated with combustible liquids; Persons in wheelchairs or with obvious physical disabilities; Women known to be pregnant; People with heart problems, biomedical devices, or other debilitating illnesses known to the officer; An individual is handcuffed or otherwise restrained; Elderly persons (persons known to be older than 65), children (persons known to be younger than 14); In elevated locations where a fall may cause injury (this excludes a fall from a mere standing position); and Persons actively running.”

The policy strictly forbids officers from displaying or deploying an ECW in the following instances: “With the sole intent of coercing or intimidating an individual; To escort individuals; To move or control a crowd of people; Against a person merely engaged in passive resistance; or In an elevated location where a fall may cause substantial injury (this excludes a fall from a mere standing position) or when the death of an individual is a reasonable outcome.”

Policy Analysis. DPD’s current policy does not include language instructing officers to avoid targeting sensitive areas of a subject’s body with an ECW or a prohibition against deploying an

⁴¹ Police Executive Research Forum and COPS Office (2011). *2011 Electronic Control Weapons Guidelines*. [http://www.policeforum.org/assets/docs/Free Online Documents/Use of Force/electronic%20control%20weapon%20guidelines%202011.pdf](http://www.policeforum.org/assets/docs/Free%20Online%20Documents/Use%20of%20Force/electronic%20control%20weapon%20guidelines%202011.pdf).

ECW against a person operating any type of vehicle in motion. It is recommended in the PERF/COPS Office 2011 guidelines that agencies include these restrictions in their ECW policies.⁴²

Recommendation Policy Changes. PERF recommends the following changes to Section 5.4.5:

- **Recommendation:** DPD should add language instructing officers not to purposefully target sensitive areas of the subject's body: "Personnel should not intentionally target sensitive areas (e.g., head, neck, genitalia) when deploying an ECW."

Status: This recommendation has been implemented.

⁴² Ibid.

- **Recommendation:** DPD should add language to Section 5.4.5 prohibiting the deployment of an ECW on a person in physical control of a vehicle in motion (e.g., automobiles, trucks, motorcycles, ATVs, bicycles, scooters).

Status: This recommendation has been implemented.

ECW Activations/Cycles

Current DPD Policy. DPD's policy on the number of ECW cycles states the following:

"When deploying a TASER, officers should normally activate the device for one standard cycle or less and evaluate the situation. Officers will utilize the minimum number of activations of the TASER necessary to control the situation or stop the treat. Officers must articulate independent justification for each TASER activation. Officers should limit a subject to no more than three (3) exposures under ideal circumstances. Cases involving more than one (1) cycle will be reviewed individually."

Policy Analysis. While DPD's policy includes the total number of exposures that can be applied and instructs officer to evaluate the situation after the initial ECW activation, the policy does not include language specifically stating how long each exposure should last, or any limitations on the total length of time a subject can be exposed to an ECW cycle. It is recommended in the 2011 PERF/COPS Office ECW guidelines that subject not be exposed to ECW deployments for longer than 15 seconds.⁴³

Recommended Policy Changes. PERF recommends the following policy change:

- **Recommendation:** DPD should revise this policy to state: "Personnel should use an ECW for one standard cycle (five seconds) and then evaluate the situation to determine if subsequent cycles are necessary. Personnel should consider that exposure to the ECW for longer than 15 seconds (whether due to multiple applications or continuous cycling) may increase the risk of death or serious injury. Any subsequent application should be independently justifiable, and the risk should be weighed against other force options."

Status: This recommendation has been implemented.

Drive Stun Mode

Current DPD Policy. Section 5.4.5 includes the following language:

"The TASER can function as a pain compliance weapon in drive stun mode. Officers may choose to deliver a drive stun in lieu of hard strikes on a subject displaying defensive resistance. Instances where this might be appropriate include by are not limited to: A drive stun in lieu of a knee strike to load a prison[er] in a squad car; A drive stun in lieu of a strike to get a subject to

⁴³ Ibid.

release their hold on something/someone; or A drive stun in lieu of a strike to move a suspect into cuffing position.

If a hard strike would be considered inappropriate, the drive stun would be inappropriate. For example, a hard strike would be inappropriate against a person engaged in passive resistance. Therefore, a drive stun would be inappropriate in that circumstance.”

Policy Analysis. The 2011 PERF/COPS Office ECW guidelines recommend that law enforcement agencies discourage the use of the drive stun mode as a pain compliance technique. It is further recommended that “the drive stun mode only be used to supplement the probe mode to complete the incapacitation circuit, or as a countermeasure to gain separation between officers and the subject so that officers can consider another force option.”⁴⁴

Recommended Policy Changes. PERF recommends the following changes to Section 5.4.5:

- **Recommendation:** In policy and training, DPD should discourage officers from using the drive stun mode as a pain compliance technique. The policy should state that the drive stun mode should only be used to complete the incapacitation circuit in order to supplement the probe mode, or to create separation between an officer and a subject.

Status: This recommendation has been implemented and will be emphasized in follow-up training.

DPD Policy 5.4.7 (Police Canine Deployment)

Current DPD Policy. This section of DPD’s policy governs permitted and prohibited uses of the police canine as a less-lethal weapon. This policy allows for the canine to be used in certain crowd control situations. The policy reads: “Police canines may only be used in crowd control situations during a riot or other civil disturbances that cannot be safely controlled by other means with the approval of the on-duty sergeant or higher rank.”

Policy Analysis. Because of the liability and risk associated with using police canines for crowd control, many police departments strictly prohibit the use of police canine in crowd control situations during a riot or other civil disturbances. Police departments that continue to allow canine for crowd control (e.g., Las Vegas Metropolitan Police Department) stipulate that authorization for such usage must come from the position of lieutenant or higher.⁴⁵

Recommended Policy Changes. PERF recommends the following changes to Section 5.4.7:

- **Recommendation:** If DPD continues to allow police canines to be used to control crowds during a riot or other civil disturbances, then the authorization to allow police

⁴⁴ Ibid.

⁴⁵ Las Vegas Metropolitan Police Department (2017). “6/002.02 – IX. “Use of Canine”. <https://www.lvmpd.com/en-us/InternalOversightConstitutionalPolicing/Documents/Use-of-Force-Policy-2017.pdf>

canines to be used in those situations should come from the position of lieutenant or higher.

DPD Policy 5.4.10 (Medical Treatment and Decontamination)

Current DPD Policy. This section of DPD's policy details first aid, medical attention, and decontamination requirements after the use of less-lethal munitions, OC spray, and an ECW deployment. The guidelines for medical treatment following an ECW deployment includes the following language:

"Under normal circumstances, when a TASER is used, officers will remove the probes from subjects that were exposed to a TASER deployment. The cartridge and probes will be stored until they can be disposed of by the officer in a biohazard sharps container. Denton FD will not be called to remove probes from individuals except under the following circumstances: Probes lodged in breast tissue of a female; Probes lodged in genitalia; Probes lodged in a person's face, throat, or neck; Probes the officer suspects may be lodged in bone; or Probes the officer was unable to remove."

Policy Analysis. It is recommended in the PERF/COPS Office 2011 ECW guidelines that any exposure to an ECW be followed by a medical evaluation because the electrical charge transmitted by the device can potentially result in a subject experiencing cardiac problems.⁴⁶

Recommended Policy Changes. PERF recommends DPD make the following changes to Section 5.4.10:

- **Recommendation:** DPD should add the following language to this policy: "All subjects who have been exposed to ECW application must receive a medical evaluation by emergency medical responders in the field or at a medical facility. Any subject who has been exposed to prolonged application (i.e., more than 15 seconds) should be transported to an emergency department for evaluation. Medical personnel conducting the evaluation should be made aware that the subject has experienced ECW activation, so they can better evaluate the need for further medical treatment."

Status: This recommendation has been implemented.

Current DPD Policy. DPD's policy does not included any language regarding medical attention for subjects who experienced a canine bite.

⁴⁶ Police Executive Research Forum and COPS Office (2011). *2011 Electronic Control Weapons Guidelines*. [http://www.policeforum.org/assets/docs/Free Online Documents/Use of Force/electronic%20control%20weapon%20guidelines%202011.pdf](http://www.policeforum.org/assets/docs/Free%20Online%20Documents/Use%20of%20Force/electronic%20control%20weapon%20guidelines%202011.pdf).

Policy Analysis. Dog bites can become infected and may spread harmful diseases to those who experience a bite.⁴⁷ DPD should take every precaution to ensure that individuals who experience a bite by a police canine receive treatment in order to prevent disease and infection.

Recommended Policy Change. PERF recommends the following changes to Section 5.4.10:

- **Recommendation:** DPD should include the following statement to the canine guidelines: “Any individual who experiences a bite by a police canine will be taken to a hospital for medical evaluation and treatment.”

DPD Policy 5.4.11 (Reporting the Use of Less Lethal Force)

Current DPD Policy. This section establishes reporting requirements for officers following the use of less-lethal force. Under this policy, officers must immediately notify an on-duty supervisor when they have displayed or deployed less-lethal force. This policy instructs officers to complete the department’s use-of-force reporting form and describes the information that should be included in the report. Supervisor responsibilities are also detailed in the policy, including a statement advising supervisors to conform to the responsibilities described in the department’s general use-of-force policy (General Order 5.1 “Use of Force”).

Policy Analysis. The language used in this policy does not state the specific types of less-lethal force that should be documented. Also, it should be clear in this policy that supervisors are to immediately respond to the scene to investigate, if possible. This language is included in the supervisor response requirements in Special Order 5.4 (“Officer Involved Shootings”), but it should be added to Section 5.4.11 to clearly articulate that the department expects supervisors to respond to the scene of any use-of-force incident to begin an investigation.

Recommended Policy Changes. PERF recommends the following changes to Section 5.4.11:

- **Recommendation:** DPD should add the following language to Section 5.4.11: “Officers will document all uses of force that involve a hand or leg technique; the use of a deadly weapon, less-lethal weapon, or weapon of opportunity; or any instance where injury is observed or alleged by the subject that is the result of an officer’s use of force. The pointing of a firearm or an Electronic Control Weapon at an individual as a threat of force should be documented in incident reports.”

Status: Relevant language has been added to this section.

- **Recommendation:** DPD should add language to this policy that, except in the case of mitigating circumstances, supervisors should immediately respond to the scene of incidents where an officer has used any less-lethal force and initiate an investigation.

⁴⁷ Centers for Disease Control and Prevention (2015). “Preventing Dog Bites.” <https://www.cdc.gov/features/dog-bite-prevention/index.html>

Status: This recommendation has been implemented.

DPD General Order 4.2 – Emergency Vehicle Operations and Pursuits

DPD Policy 4.2.13 (Prohibited Actions During a Pursuit)

Current DPD Policy. Section 4.2.13 includes a list of actions that officers are prohibited from taking during a vehicle pursuit. The policy prohibits “discharging firearms at a moving vehicle unless an occupant of the vehicle is using or attempting to use deadly force on an officer or other persons.”

Policy Analysis. DPD’s use-of-force policy (General Order 5.1) prohibits officers from shooting at a moving vehicle unless the occupants are using deadly force against the officer **by means other than the vehicle.** The language included in Section 4.2.13 does not include this limitation. DPD should ensure that all policy language governing shooting at moving vehicles is consistent.

Recommended Policy Changes. PERF recommends making the following changes to Section 4.2.13:

- **Recommendation:** DPD should add language to Section 4.2.13 that officers are not to shoot at a moving vehicle unless the occupants are using deadly force against the officer **by means other than the vehicle.**

Status: This recommendation has been implemented.

DPD Policy 4.2.19 (Inter-jurisdictional Pursuit Policy)

Current DPD Policy. Section 4.2.19 details DPD’s policy on inter-jurisdictional pursuits. This section provides officers with guidelines for permitted and prohibited actions during vehicle pursuits that extend beyond the jurisdiction of DPD. The language on prohibited actions includes a ban on “shooting at pursued vehicle (except to protect against the use of unlawful deadly force).”

Policy Analysis. The language included in Section 4.2.19 does not emphasize that officers shall not shoot at a moving vehicle unless the occupants are using deadly force against the officer **by means other than the vehicle.** Because this limitation is included in the department’s use-of-force policy (General Order 5.1), DPD should ensure that any policy regarding shooting at moving vehicles contains consistent language.

Recommended Policy Changes. PERF recommends making the following changes to Section 4.2.19:

- **Recommendation:** DPD should add language to Section 4.2.19 that officers are not to shoot at a moving vehicle unless the occupants are using deadly force against the officer **by means other than the vehicle.**

Status: This recommendation has been implemented.

DPD General Order 10.2 – Office of Professional Standards and Administrative Investigations

DPD Policy 10.2.6 (Criminal Investigations Relating to Employee Misconduct)

Current DPD Policy. This section contains the following language regarding criminal investigations: “Any criminal investigation related to a citizen or internal complaint shall take precedence over the administrative investigation of that complaint,” and, “When possible, the criminal investigation shall be completed before any administrative investigation is conducted.”

Policy Analysis. While some law enforcement agencies wait until the completion of a criminal investigation before initiating an internal administrative review or investigation, this is not required. In fact, this practice can unnecessarily delay the department in discharging an employee who, in an administrative investigation, clearly would be shown to have violated departmental rules seriously enough to justify dismissal.

Many other departments recognize that with the proper process in place, administrative and criminal investigations can be conducted concurrently. This permits the department to complete the administrative process and, if termination is recommended, to act on the recommendation promptly. The criminal investigation and court process, including appeals, typically take much longer and can continue long after the administrative outcome is final.

Recommended Policy Changes. PERF recommends the following changes to Section 10.2.6:

- **Recommendation:** The DPD should routinely conduct concurrent criminal and administrative investigations. The administrative investigation is conducted by the Office of Professional Standards (OPS) and the criminal investigation by the Criminal Investigations Bureau. The policy should be very clear that there must be a process to protect the integrity of the criminal case. The implications of Garrity and Miranda warnings, along with the potential for a lost criminal case against an employee due to mishandling of information, should be addressed in this policy. For example, a “Garrity warning,” given to the employee at the beginning of an interview in an administrative investigation, can protect the employee’s constitutional right against self-incrimination by advising the employee that statements made in the administrative investigation will not be used in any criminal proceeding.

DPD Policy 10.2.7 (Investigation Process)

Current Policy. Section 10.2.7 includes the following language regarding methods in which a citizen can use to file a complaint: “Under normal circumstances, the complainant should come to the Police Department to file personnel complaints. However, if they insist on an alternative site, the receiving supervisor should go to their location to obtain the complaint...Complaints filed by telephone or letter will be accepted if the complainant’s location makes it difficult to meet in person, or they refuse an in-person interview.”

Policy Analysis. Even though DPD will accept complaints made by methods other than a citizen coming to the police department, the language currently used in this policy seems to only allow for narrow exceptions for a complaint made using an alternative method (e.g., phone, letter, etc.).

Recommended Policy Changes. PERF recommends making the following policy changes:

- **Recommendation:** The language in this section should simply and clearly state that complaints made using any method (e.g., online, telephone, letter, etc.) will be investigated. DPD should remove any language that refers to accepting a complaint via telephone or letter if the complainant's location makes it difficult to come to the department or the complainant refuses an in-person interview. Complaints made by methods other than in-person at the police department should be accepted regardless of the complainant's location.

Status: This recommendation has been implemented.

DPD General Order 12.1 – Active Critical Incidents

Current DPD Policy. The policy provides officers with response guidelines for active critical incidents, including man-made events, civil disturbances, active shooter incidents, hostage situations, barricaded subjects, etc.

Policy Analysis. Law enforcement agencies should have a policy in place that details police responsibilities during active critical incidents. The policy should be thorough and provide detailed instruction for responding officers, uniforms and equipment requirements, the establishment of incident command, and a notification matrix for various types of critical incidents.

Recommended Policy Changes. No changes are recommended. The current policy includes the provisions we would recommend. DPD should continue to enforce General Order 12.1 in its entirety.

DPD's Organizational Structure

In addition to reviewing DPD's policies on use of force and critical incidents, PERF reviewed DPD's organizational structure. When PERF started its review, the senior leadership of the Denton Police Department consisted of one Chief and two Assistant Chiefs. This structure was also reflected in the organization chart provided to PERF by DPD personnel.⁴⁸ One Assistant Chief was responsible for the Operations Division (which includes Patrol, Neighborhood Services, and Criminal Investigations Sections) and the other oversaw the Administration Division (which includes the Office of Professional Standards, Support, Accounting and Technology, and Communications Sections).

⁴⁸ The organizational chart dated June 27, 2018.

During PERF's site visit, DPD personnel who participated in focus groups described a large disparity in the span of control between the two Assistant Chiefs, and many focus group participants suggested that Patrol and Criminal Investigations be split between the Assistant Chiefs.

PERF believes dividing the Operations Division is unnecessary, and that it would create greater communication gaps in an agency that currently struggles to communicate at many levels (see "Perceptions of Internal Communication" section below). One Assistant Chief in charge of the operational components (patrol and investigations) of a police department is a common practice, and arguably reduces top-level command disputes over human resources and priorities. Furthermore, PERF does not believe it is a necessity for DPD to add a third Assistant Chief position, as some have suggested.

During PERF's review, the Chief of Police and both Assistant Chiefs submitted their resignations. After this occurred, City of Denton officials made the decision to restructure the senior leadership of the department. DPD's senior leadership now consists of one Assistant Chief (who is serving as the interim Chief until a permanent replacement is found), and two Deputy Chiefs. The Deputy Chiefs are now responsible for overseeing the Operations and Administration Divisions.

PERF believes this is a good arrangement for the organization of DPD's senior leadership.

SECTION II. ICAT TRAIN-THE-TRAINER

In June 2018, PERF conducted ICAT train-the-trainer instruction for several Denton Police Department trainers. Participants were carefully selected for the implementation of the training. The participants were actively engaged throughout the day, discussing methods to adapt and deliver the instruction to all DPD personnel.

PERF's Integrating Communications, Assessment, And Tactics Training Guide

To help law enforcement agencies implement the PERF's 30 Guiding Principles on Use of Force, PERF developed *ICAT: Integrating Communications, Assessment, and Tactics*,⁴⁹ a training guide that represents a new way of thinking about use-of-force training for American police officers. ICAT takes the essential building blocks of critical thinking, crisis intervention, communications, and tactics, and puts them together in an integrated approach to training.

ICAT is anchored by the Critical Decision-Making Model, and is designed to increase officer safety and public safety by providing officers with more tools, skills, and options for handling critical incidents, especially those involving subjects who are in crisis but who are not armed with firearms. The cornerstones of ICAT include slowing incidents down in order to avoid reaching a point where there is a need to use lethal force; upholding the sanctity of life; building community trust; and protecting officers from physical, psychological, and legal harm.

The ICAT Training Guide is comprised of six modules:

- Introduction to ICAT
- Critical Decision-Making Model
- Crisis Recognition and Response
- Tactical Communications
- Operational Safety Tactics
- Integration and Practice.

The ICAT Training Guide includes model lesson plans, scenario-based training exercises, PowerPoint presentations, case study videos of use-of-force incidents, and other resources. The Training Guide was developed with the help of a Working Group of more than 60 professionals representing law enforcement agencies and other organizations from across the country. A panel of 10 policing experts reviewed a draft of the Training Guide, and the training was pilot-tested in seven sites throughout the country in August and September of 2016.

Feedback from the expert review and pilot sites was incorporated into a final report,⁵⁰ which was released in October 2016. In December 2016, PERF held a national meeting on how to implement ICAT Training. This meeting, which was held in New Orleans, was attended by more than 400 individuals representing more than 160 police agencies.

⁴⁹ Police Executive Research Forum (2016). *ICAT: Integrating Communications, Assessment, and Tactics. Training Guide for Defusing Critical Incidents*. <http://www.policeforum.org/assets/icattrainingguide.pdf>

⁵⁰ Ibid.

PERF held similar meetings in 2017 in Baltimore; Los Angeles; Columbia, SC; and Camden County, NJ to assist agencies across the country in implementing ICAT training. As of October 2017, approximately 1,100 police professionals from 425 law enforcement agencies have attended these ICAT training meetings.

Status: Eleven ICAT training sessions have been scheduled through December 14, 2018. DPD anticipates departmentwide training will be complete by the spring of 2019.

SECTION III. ORGANIZATIONAL CLIMATE SURVEY OF THE DENTON POLICE DEPT.

With input from City of Denton officials, PERF designed an “organizational climate” survey to obtain information about employees’ perceptions of the Police Department. The survey provided information about how the employees feel about several aspects of the department, including internal communications, supervision, leadership, job satisfaction, work environment, and the process used to determine promotions and special assignments. The survey was distributed to all DPD personnel.

The goal of the study was to determine the overall workplace climate at DPD, and to identify any areas of interest to guide the development of DPD’s policies and practices going forward. In particular, the survey results can be used in conjunction with PERF’s recommendations to help DPD leaders incorporate principles of internal procedural justice within the agency (see Section IV for more information on internal procedural justice).

This section discusses the climate survey, including its development, methodology, and results. The findings from this survey are relevant to many of the recommendations in this report.

Survey Background and Methodology

Survey Instrument: The survey included 83 statements designed to assess employee perceptions of job satisfaction, work environment, communication within the department, supervision, leadership, training and resources, and the department’s promotions and special assignment processes. Additionally, the survey contained six demographic and 13 open-ended questions. (See Appendix for the survey instrument).

Data Collection: On July 5, 2018, PERF sent an email containing a user name, a password, and a link to the survey to all 253 people who were employed at DPD at the time the survey was fielded. PERF sent additional emails on July 16 and July 23 to remind DPD personnel about the survey. A final email reminder was sent on July 27. During each of these communications, DPD employees were notified that their responses to the survey would be anonymous. Data collection concluded on July 31, 2018.

Survey Sample. At the close of data collection, PERF had received a response from 151 DPD employees, for a 59.7% response rate. The demographics of the sample are shown below in Table 1.

Table 1. Demographics of Survey Sample (N=151)

Demographic Category	%
Gender	
Male	75.5%
Female	24.5%
Education	
High school graduate/GED	6.0%
Some college, no degree	36.4%
Associate's degree	9.9%
Bachelor's degree	36.4%
Master's degree	11.3%
Race	
White/Caucasian	85.4%
Black/African American	7.3%
Biracial (two racial categories selected)	2.6%
American Indian/Alaskan Native	2.0%
Asian/Pacific Islander	1.3%
Refused/None selected	1.3%
Ethnicity	
Non-Hispanic	88.6%
Hispanic	11.4%
Years of Service	
0-5 years	25.2%
6-10 years	10.6%
11-15 years	17.9%
16-20 years	15.9%
More than 20 years	30.5%
Employment Type	
Sworn	76.2%
Non-sworn	23.8%

Survey Results

This section presents the results of the Denton Police Department Organizational Climate Survey. The results are divided into seven categories:

- Organizational commitment and job satisfaction;
- Perceptions of the work environment at DPD;
- Perceptions of internal communication;
- Perceptions of department supervision;
- Perceptions of department leaders;
- Perceptions of training opportunities and available resources; and
- Perception of the promotion and special assignment process.

Organizational Commitment and Job Satisfaction

The first section of the survey contained 13 statements pertaining to organizational commitment and job satisfaction. The results for items assessing organization commitment and job satisfaction for DPD employees are displayed in Table 2.

Overall, DPD employees provided positive responses to these statements; however, some statements received more positive responses than others. Nearly 50% of respondents strongly agreed, and another 36% agreed with the statement, “I am proud to tell others that I work for this department.” The statement, “I tell my friends and family that this is a good organization to work for,” had similar responses, with 42% of respondents agreeing and another 35% strongly agreeing. One statement in particular had the most positive responses. Fifty-nine percent strongly agreed and 31% agreed with the statement, “I really care about the fate of this department.” Most respondents disagreed (57% strongly disagreed and 30% disagreed) with the statement, “I definitely dislike my job.”

Table 2. Employee Organizational Commitment and Job Satisfaction

Survey Item	Strongly disagree	Disagree	Neutral/No opinion	Agree	Strongly Agree	Mean Response*
I am proud to tell others that I work for this department.	0.7%	2.6%	10.6%	36.4%	49.7%	4.3
I feel very little loyalty to this department.	40.0%	30.7%	12.7%	9.3%	7.3%	2.1
I tell my friends and family that this is a good organization to work for.	1.3%	7.3%	14.0%	42.0%	35.3%	4.0
This department really inspires the best in me in the way of my job performance.	7.9%	19.2%	19.9%	41.1%	11.9%	3.3
I really care about the fate of this department.	1.3%	2.0%	6.6%	31.1%	58.9%	4.4
I feel myself to be part of this department.	3.3%	4.7%	12.0%	41.3%	38.7%	4.1
I would not recommend a close friend to join this department.	37.7%	31.8%	10.6%	13.2%	6.6%	2.2
I find that my values and the department’s values are very similar.	7.3%	16.7%	17.3%	46.7%	12.0%	3.4
I feel fairly well satisfied with my job.	3.3%	13.2%	7.9%	53.0%	22.5%	3.8
I like my job better than the average worker does.	1.3%	8.6%	21.2%	39.1%	29.8%	3.9
Most days I am enthusiastic about my job.	1.3%	12.7%	9.3%	52.0%	24.7%	3.9

I enjoy my roles and responsibilities at my job.	2.0%	6.7%	7.3%	50.7%	33.3%	4.1
I definitely dislike my job.	57.3%	30.0%	6.7%	5.3%	0.7%	1.6

*On a scale in which 1 = “Strongly Disagree” and 5 = “Strongly Agree”

The additional comments provided to the open-ended question in this section (see Appendix) suggest that DPD employees like their jobs and genuinely care about the department. While several respondents provided comments such as, “Great place to work,” and “Very fortunate to work here [DPD],” other respondents’ comments were more critical of the department.

From the comments provided, PERF staff identified **department politics** as a major theme.

Department Politics

Some DPD employees feel that there are personal agendas among members of rank in the department. This was also a topic of discussion during focus groups held during PERF’s site visit. PERF was told by DPD personnel that some lieutenants may disagree with department policy or training guidelines, and are ultimately “running their own departments” on their shifts. Related to this matter, others commented that there is a lack of accountability for violating department policies or improper conduct. Essentially, there is a feeling that some members of DPD believe they do not have to follow the rules because they do not experience consequences for violating rules.

Perceptions of the Work Environment at DPD

PERF used 12 statements to evaluate DPD employees’ perception of the work environment. Respondents used the same five-item Likert scale to respond their level of agreement with each statement (1=“Strongly disagree,” 5=“Strongly agree”).

As shown in Table 3, most of the responses in this section were favorable. An overwhelming majority of respondents provided positive responses to the statement, “I have positive relationships with my coworkers,” as 52% agreed and 38% strongly agreed with the statement.

There was some discord among responses to the statement, “The department rewards the efforts of employees who do outstanding work.” Overall, more employees disagreed (or strongly disagreed) with this statement than agreed (or strongly agreed) with it.

Table 3. Perceptions of the Work Environment at the Denton Police Department

Survey Item	Strongly disagree	Disagree	Neutral/No opinion	Agree	Strongly Agree	Mean Response*
I find myself in conflicts with coworkers that escalate into angry exchanges.	47.0%	39.7%	10.6%	1.3%	1.3%	1.7
Employees treat each other the same, regardless of their racial/ethnic group.	5.3%	10.7%	12.7%	40.7%	30.7%	3.8
Employees treat each other the same, regardless of their gender.	3.3%	10.0%	12.0%	42.7%	32.0%	3.9
Employees treat each other the same, regardless of their sexual orientation.	1.3%	4.6%	13.9%	47.0%	33.1%	4.1
Overall, the environment of this department encourages employees to behave in an equitable, inclusive, and respectful manner.	3.3%	10.7%	16.0%	46.7%	23.3%	3.8
My work environment is more uncomfortable than it should be.	32.0%	35.3%	15.3%	10.0%	7.3%	2.3
I have positive relationships with my coworkers.	0.0%	0.7%	9.3%	52.3%	37.7%	4.3
The working relationship between sworn and non-sworn employees is constructive toward achieving department goals.	6.6%	9.9%	18.5%	53.0%	11.9%	3.5
The department rewards the efforts of employees who do outstanding work.	12.6%	29.1%	20.5%	29.8%	7.9%	2.9
As an employee of this department, I am treated with respect.	3.3%	6.0%	9.3%	56.3%	25.2%	3.9
As an employee of this department, I receive fair treatment.	5.4%	9.5%	9.5%	49.3%	26.4%	3.8
I know what resources are available to me if I	2.0%	14.6%	9.9%	49.0%	24.5%	3.8

need to discuss a workplace-related complaint.						
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*On a scale in which 1 = “Strongly Disagree” and 5 = “Strongly Agree”

Perceptions of Internal Communication

PERF used seven independent statements to evaluate employees’ perceptions of intra-agency communication. The overall responses in this area were not favorable. As shown in Table 4, most respondents believe department leaders were doing a poor job of informing employees about matters affecting them (35% agreed and 27% strongly agreed). And only 25% of DPD employees agreed or strongly agreed with the statement, “I am satisfied with the information I receive from management on what is going on in the department.”

Similar results were obtained for the statement, “The rationale behind important decisions that impact me is communicated effectively.” Finally, most employees who responded to the survey disagreed or strongly disagreed with the statement, “Employees are asked for input regarding decisions that will affect them.”

Table 4. Perceptions of Internal Communication

Survey Item	Strongly disagree	Disagree	Neutral/No opinion	Agree	Strongly Agree	Mean Response*
I feel free to express my opinions in my job without worrying about negative results.	11.9%	28.5%	11.3%	34.4%	13.9%	3.1
Department leaders do a poor job of informing employees about matters affecting us.	6.0%	14.0%	18.7%	34.7%	26.7%	3.6
Information about things relevant to my job are communicated in a timely manner.	12.6%	29.1%	25.2%	27.8%	5.3%	2.8
I am satisfied with the information I receive from management on what is going on in the department.	19.2%	37.7%	17.9%	19.9%	5.3%	2.5
The rationale behind important decisions that impact me is communicated effectively.	19.2%	38.4%	17.9%	21.8%	2.6%	2.5
Employees are asked for input regarding decisions that will affect them.	24.0%	29.3%	24.7%	19.3%	2.7%	2.5

I am dissatisfied with my involvement in decisions that affect my work.	8.6%	21.2%	32.5%	29.1%	8.6%	3.1
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*On a scale in which 1 = “Strongly Disagree” and 5 = “Strongly Agree”

Perceptions of Department Supervision

Thirteen statements were used to assess employees’ level of satisfaction with supervisors in the department. The results for this section are displayed in Table 5.

Most of the questions asked employees about their supervisor’s ability to evaluate their job performance and their supervisor’s treatment of their subordinates. The responses to the statement, “My immediate supervisor treats the employees he or she supervises with respect,” received positive responses. The average response for this question was 4.2, meaning that respondents generally agreed with the statement.

Respondents also provided positive responses to the statement, “The supervisors in this department treat their subordinates fairly.” Fifty-six percent agreed or strongly agreed with that statement. Regarding supervisors’ ability to evaluate their subordinates’ job performance, substantial majorities of DPD employees provided positive responses to the statements, “My immediate supervisor is familiar enough with my job performance to fairly evaluate me,” “My job performance is reviewed in person with me at least one time each year,” and “The standards used to evaluate my performance have been fair and objective.”

Table 5. Perceptions of the Department Supervision

Survey Item	Strongly disagree	Disagree	Neutral/No opinion	Agree	Strongly Agree	Mean Response*
My immediate supervisor treats the employees he or she supervises with respect.	1.3%	4.6%	9.3%	39.1%	45.7%	4.2
Generally, the supervision in my department favorably affects my work and moral.	5.4%	10.8%	17.6%	47.3%	18.9%	3.6
My immediate supervisor is available to me when I have questions or need help.	1.3%	4.0%	7.9%	38.4%	48.3%	4.3
I am often unclear about just what is expected of me on the job.	26.7%	47.3%	11.3%	12.7%	2.0%	2.2
Employees who perform their jobs well are recognized by their	9.9%	21.9%	24.5%	37.1%	6.6%	3.1

immediate supervisors for their contributions.						
The supervisors in this department treat their subordinates fairly.	4.7%	20.0%	19.3%	42.0%	14.0%	3.4
The supervisors in this department show favoritism.	9.3%	27.3%	20.7%	20.7%	22.0%	3.2
My immediate supervisor is familiar enough with my job performance to fairly evaluate me.	5.3%	6.0%	6.6%	47.0%	35.1%	4.0
My job performance is reviewed in person with me at least one time each year.	6.0%	8.6%	10.6%	53.0%	21.9%	3.8
The standards used to evaluate my performance have been fair and objective.	5.3%	10.6%	23.8%	46.4%	13.9%	3.5
I receive inaccurate feedback pertaining to my job performance.	21.9%	41.1%	19.9%	13.9%	3.3%	2.4
I receive useful recommendations on how I can improve my job performance.	4.0%	16.6%	28.5%	43.7%	7.3%	3.3
I have little trust in my supervisor's evaluation of my work performance.	28.7%	43.3%	13.3%	8.7%	6.0%	2.2

*On a scale in which 1 = "Strongly Disagree" and 5 = "Strongly Agree"

Perceptions of Department Leaders

This section of the survey contained nine statements pertaining to the employees' perceptions of department leaders. The results revealed concerns in this area. As shown in Table 6, more respondents overall disagreed than agreed with the statement, "Morale among employees is good." More than half of all respondents agreed with the statement, "I have doubts about the department's leadership."

A large majority of employees disagreed with the statement, "Employees who consistently do a poor job are held accountable." And a plurality disagreed with the statement, "Employees who violate department policies are held accountable."

The statement, “The disciplinary process is unfair at this department,” received mixed responses. Thirty-four percent did not agree with this statement, while 35% agreed that the disciplinary process is fair.

Table 6. Perceptions of the Department Leaders

Survey Item	Strongly disagree	Disagree	Neutral/No opinion	Agree	Strongly Agree	Mean Response*
Morale among employees is good.	11.3%	32.5%	19.2%	33.8%	3.3%	2.9
I have doubts about the department’s leadership.	7.3%	21.3%	19.3%	38.7%	13.3%	3.3
Department leaders can be trusted.	11.3%	20.0%	25.3%	32.7%	10.7%	3.1
Clear goals for the department are established by its leaders.	15.3%	28.0%	29.3%	23.3%	4.0%	2.7
The department is managed ineffectively by its leaders.	8.6%	31.8%	23.8%	24.5%	11.3%	3.0
Employees who consistently do a poor job are held accountable.	34.4%	38.4%	18.5%	8.6%	0.0%	2.0
Employees who violate department policies are held accountable.	18.5%	30.5%	24.5%	24.5%	2.0%	2.6
Department leaders model equitable, inclusive, and respectful behavior in interactions with employees.	8.7%	18.8%	26.2%	41.6%	4.7%	3.2
The disciplinary process is unfair at this department.	9.9%	24.5%	31.1%	21.9%	12.6%	3.0

*On a scale in which 1 = “Strongly Disagree” and 5 = “Strongly Agree”

Perceptions of Training Opportunities and Available Resources

Nine items were used to evaluate employees’ satisfaction with the department resources (e.g., equipment) and training opportunities. Results for this section are displayed in Table 7.

Overall, respondents provided positive responses to these statements. PERF found that a large majority believed they had the equipment and supplies needed to do their jobs (59% agreed and 19% strongly agreed), and most respondents did not think that the equipment provided was in poor condition. Eighty percent of employees who completed the survey provided positive responses to the statement, “I received the necessary training to do my job.” Three-fourths of

employees believe that the employees of DPD receive high-quality training. Finally, most respondents did not agree with the statement, “My job makes poor use of my training.”

Table 7. Perceptions of Training Opportunities and Available Resources

Survey Item	Strongly disagree	Disagree	Neutral/No opinion	Agree	Strongly Agree	Mean Response*
I have the equipment and supplies I need to do my job.	2.0%	12.7%	7.3%	58.7%	19.3%	3.8
The equipment I need for my job is in poor condition.	17.3%	44.0%	14.0%	19.3%	5.3%	2.5
I have access to information I need to do my job.	2.0%	7.3%	8.0%	60.7%	22.0%	3.9
I received the necessary training to do my job.	2.0%	6.1%	12.2%	54.1%	25.7%	4.0
I have opportunities to attend training courses that assist me in doing my job.	4.7%	7.4%	8.7%	51.7%	27.5%	3.9
Employees of this department receive high quality training.	1.3%	6.7%	16.7%	53.3%	22.0%	3.9
My training did not prepare me well for my actual work.	32.9%	52.3%	11.4%	2.7%	0.7%	1.9
My job makes poor use of my training.	27.3%	42.0%	16.0%	12.0%	2.7%	2.2
The frequency with which training opportunities are provided meet my needs as an employee.	3.4%	12.2%	18.9%	48.6%	16.9%	3.6

*On a scale in which 1 = “Strongly Disagree” and 5 = “Strongly Agree”

Perception of the Promotion and Special Assignment Process

DPD employees seemed to have very mixed feelings about the promotions and special assignment processes in the department. As shown in Table 8, half of the employees who completed the survey provided positive responses to the statement, “Special assignments and professional development opportunities are provided to those who demonstrate appropriate work performance,” while only 22% disagreed.

However, with mean responses of 3.0, respondents provided mixed responses to the statements, “The department has an ineffective system for determining special assignments or professional development opportunities,” and “The department has an ineffective system for promotion.”

More than half of respondents thought that promotions are seldom related to employee performance. However, more than half agreed or strongly agreed with the statement, “I feel that there are opportunities for upward mobility in this department.”

More than half of the DPD employees who completed the organization climate survey did not think the department is unfair in its hiring practices.

Table 8. Perceptions of the Promotion and Special Assignment Process

Survey Item	Strongly disagree	Disagree	Neutral/No opinion	Agree	Strongly Agree	Mean Response*
Special assignments and professional development opportunities are provided to those who demonstrate appropriate work performance.	5.3%	16.7%	28.0%	37.3%	12.7%	3.4
The department has an ineffective system for determining special assignments or professional development opportunities.	9.3%	23.2%	30.5%	28.5%	8.6%	3.0
The department has an ineffective system for promotion.	14.7%	20.7%	30.0%	24.0%	10.7%	3.0
The department is unfair in its hiring practices.	24.5%	32.5%	32.5%	7.3%	3.3%	2.3
Promotions are seldom related to employee performance.	5.4%	12.1%	30.2%	36.9%	15.4%	3.5
Promotions are more related to whom you know rather than the quality of your work.	19.9%	31.1%	27.2%	15.2%	6.6%	2.6
There is a fair opportunity to be promoted.	2.6%	17.2%	27.2%	37.7%	15.2%	3.5
I feel that there are opportunities for upward mobility in this department.	3.3%	15.2%	25.8%	45.7%	9.9%	3.4

*On a scale in which 1 = “Strongly Disagree” and 5 = “Strongly Agree”

DPD employees were asked how much emphasis should be placed on the following items in the promotion process and when determining opportunities for special assignments:

- Written exams;
- Assessment from outside of the department (e.g., independent reviewers);
- Officer performance evaluations;
- Seniority; and
- Interviews.

Respondents were asked to rate each item using the categories “less emphasis,” “same emphasis/no change,” “more emphasis,” or “not used at all” (as compared to the amount of emphasis currently placed on that item in DPD’s promotion and assignment process). The results are displayed in Tables 9 and 10 below.

Table 9. Respondents’ Recommendations About Emphasis Placed on Factors Influencing the Promotion Process

	Less Emphasis (% of Respondents)	Same Emphasis/No Change (% of Respondents)	More Emphasis (% of Respondents)	Not Used at All (% of Respondents)
Written exams	33.8%	50.7%	10.1%	5.4%
Assessment from outside of the department (e.g. independent reviewers)	15.6%	18.4%	36.7%	29.3%
Employee performance evaluations	4.1%	25.2%	66.7%	4.1%
Seniority	16.3%	50.3%	28.6%	4.8%
Interview	7.4%	33.1%	55.4%	4.1%

As Table 9 illustrates, regarding the promotions process, 51% of respondents believe that no changes should be made to the emphasis placed on written exams, but 39% think that written exams should receive less emphasis or should not be used at all.

Only 37% of respondents believe more emphasis should be placed on assessments from outside of the department., while 45% believe outside assessments should receive less emphasis or not be used at all.

Two-thirds of respondents think more emphasis should be placed on performance evaluations, and 55% believe more emphasis should be given to interviews.

Half of the DPD employees who completed the survey believe that the current level of emphasis on seniority should not be changed.

Table 10. Respondents' Recommendations About Emphasis Placed on Factors Influencing Special Assignment Opportunities

	Less Emphasis (% of Respondents)	Same Emphasis/No Change (% of Respondents)	More Emphasis (% of Respondents)	Not Used at All (% of Respondents)
Written exams	19.9%	46.6%	17.8%	15.8%
Assessment from outside of the department (e.g. independent reviewers)	14.4%	24.0%	19.9%	41.8%
Employee performance evaluations	2.1%	28.1%	67.8%	2.1%
Seniority	19.9%	45.2%	29.5%	5.5%
Interview	3.4%	44.1%	49.0%	3.4%

Regarding special assignment opportunities, 47% of respondents believe no changes should be made to the emphasis placed on written exams, but 36% believe written exams should receive less emphasis or not be used at all.

Similar to findings regarding the promotion process, two-thirds of respondents believe that employee evaluations should receive more emphasis when determining opportunities for special assignment.

Forty-five percent of respondents believe the emphasis placed on seniority should not be changed, and among the other respondents, there was a slight preference for giving seniority greater emphasis.

Forty-nine percent of respondents said that that interviews should be given more emphasis in determining special assignments, and most others thought that emphasis should not change; few said that interviews should receive less emphasis.

DPD employees were also asked two questions about whether they believe race and gender impact opportunities for special assignment/professional development and promotion. The results are presented in Tables 11 and 12.

As shown in Table 11, DPD employees overwhelmingly responded that they believe whites and minorities are treated the same when it comes to opportunities for special assignment/professional development and promotion.

Table 11. Perceptions of Special Assignment/Professional Development Opportunities and Promotion Based on Race

Survey Item	%
Whites are treated better than minorities.	5.6%
Minorities are treated better than whites.	7.0%
Whites and minorities are treated about the same.	87.3%

Similarly, 86% respondents believe that men and women are treated the same when it comes to opportunities for special assignment/professional development and promotion.

Table 12. Perceptions of Special Assignment/Professional Development Opportunities and Promotion Based on Gender

Survey Item	%
Men are treated better than women	10.5%
Women are treated better than men	3.5%
Men and women are treated about the same	86.0%

Open-Ended Survey Questions

At the end of each section of the survey, respondents were asked if they had any additional comments based upon their responses for those sections. In addition, at the end of the survey, PERF asked the following open-ended question: “Are there ways the department could improve the overall environment within the agency as well as better serve the community?” Respondents were asked to write in responses.

Approximately 62% of the 151 respondents chose to answer the question, “Are there ways the department could improve the overall environment within the agency as well as better serve the community?” This level of response rate is much higher than PERF has seen in similar surveys in other agencies.

Several common themes emerged from the responses to the open-ended questions. These themes included:

- Cronyism;
- Poor internal communication;
- Perceptions of disparate discipline and accountability; and
- Personal agendas among ranking DPD personnel.

Several of the themes listed above were also topics of discussion when PERF conducted focus groups during the site visit. The sections below provide further details on these themes.

Cronyism

It was mentioned several times during focus groups, and in the comments on the survey, that the DPD operates under a “good ol’ boy” system. DPD personnel described inconsistent practices for determining special assignments, and told PERF that special assignments were based on one’s social network within the department and had little to do with individuals’ qualifications.

It is critical that selection processes be fair and consistent. The process for determining special assignments must be clearly described in policy and always followed.

- **Recommendation:** PERF believes the DPD would be best served by consistently adhering to the following process for determining special assignments:
 - 1) Open positions for special assignment should be advertised department-wide, preferably via an email sent to every DPD employee.
 - 2) Interested employees should complete an application.
 - 3) Completed applications should be forwarded and reviewed by the applicant’s immediate DPD supervisors for comments.
 - 4) Completed application should be sent to the specialized unit filling the position.

Additionally, PERF recommends the use of a three-party interview panel, comprised of subject matter experts for the specialized unit. The position-level requirements for the three-party interview panel should be indicated in policy. The three-party interview panel should use fixed questions and a consistent scoring method (e.g., a scoring rubric) for evaluating applicants. A basic skills test may be administered, but DPD must ensure that applicants know it is part of the process and why the test is included in the process.

Status: This recommendation has been implemented.

Poor Internal Communication

A number of survey respondents said that department communications are severely lacking. Focus group participants and survey respondents told PERF that information is not disseminated from the department’s senior leaders, and because of this, employees often hear news about the department only through gossip and rumors. Furthermore, it appears that there have been misunderstandings and misinformation about the Downtown Unit.⁵¹ It is important that all DPD personnel understand the functions of the Downtown Unit.

- **Recommendation:** DPD leaders must work to better integrate the Downtown Unit into the department. The Downtown Unit is designed to provide visitors and residents with a sense of safety and security while enjoying the local businesses, restaurants, and nightlife. The Downtown Unit assists the City of Denton in making the downtown area an attractive destination. DPD leaders should consider a constant rotation of temporarily assigned patrol officers into the Downtown Unit to expose them to the work of the unit.

⁵¹ Also known as District Five, this unit is responsible for policing the downtown Denton entertainment area.

This will also give patrol officers exposure to the business community and to the problem-solving and communication skills that are essential in the unit.

Along the same lines, DPD personnel told PERF that misinformation regarding the hiring of racial minorities has been an internal issue for the department. This issue was mentioned in focus groups and on the survey. PERF learned that department leaders took steps to examine this issue and found that unfair practices have not been used to give preferential treatment to minority applicants in the hiring process. PERF also learned that the Chief led “town hall meetings” in an effort to address this issue and dispel misconceptions. However, this continues to be an underlying issue in the department.

- **Recommendation:** PERF recommends that DPD leaders readdress the misinformation so that the department can continue to move forward. Interviews indicated that prior reviews of hiring practices, positions filled, and processes that were used did not give preferential treatment to minority applicants. This information should be shared agency-wide to address misunderstandings.

Survey respondents and focus group participants also said that the department’s mission, values, and expectations were not clearly known. **This is important and should be clearly communicated to every employee of DPD.**

- **Recommendation:** The department’s new leadership team must make their mission and vision of the agency clear, and must share this vision through effective internal communications and transparency.

Status: This recommendation has been implemented.

Perception of Disparate Discipline and Accountability

During focus groups, DPD personnel described an uneven disciplinary atmosphere created by significant differences in performance expectations among patrol supervisors and commanders. Examples were given of similar behaviors and performances receiving significantly different levels of leadership scrutiny. Respondents to the organization climate survey also described this behavior by patrol supervisors and commanders.

- **Recommendation:** DPD’s new leadership team should ensure that performance and behavioral expectations that lead to disciplinary action are organizational, and not subject to inconsistent interpretations by first-line and mid-level leadership. Consideration should be given to publishing summaries on a quarterly basis of adjudicated misconduct complaints to reduce suspicions of disparate treatment and biased outcomes.

Personal Agendas among Ranking DPD Personnel

Feedback from DPD personnel during focus groups and in responses to open-ended questions on the organizational climate survey indicates that there is an inconsistency in the expectations

among sergeants and lieutenants. Some members of the department said that lieutenants and sergeants seem to be “running their own separate police departments.”

- **Recommendation:** PERF recommends that DPD’s new leadership team provide commanders and supervisors with clear expectations and consistent practices for officers to follow regarding their daily law enforcement activities (e.g., report writing, handling calls for service, etc.). Providing clear, consistent requirements for all patrol officers will increase accountability and significantly reduce the confusion that currently exists.

Status: This recommendation has been implemented.

SECTION IV. WORKPLACE ENVIRONMENT AND PROCEDURAL JUSTICE

During PERF's review of the DPD, one common theme that emerged was the belief among many DPD personnel that the agency's culture has not always reflected strong values of leadership, fairness, and internal transparency. In PERF's "organizational climate" survey, DPD personnel cited poor internal communications, inconsistent processes for disciplining and holding people accountable, and a lack of confidence in department leaders.

These types of concerns are central to the concept of "internal procedural justice." This section discusses the principles of internal procedural justice and provides recommendations for how DPD can apply these principles within the agency. PERF believes that incorporating the principles of internal procedural justice throughout the department can help improve the agency's overall workplace culture and environment. This includes ensuring that all employees are treated with dignity, respect, and fairness, and are given opportunities to share their views about issues, and that employees' gender, race, or sworn or civilian status will not affect how they are treated by the department.

Internal Procedural Justice

Procedural justice is one of the key concepts discussed by the President's Task Force on 21st Century Policing.⁵² This Task Force was created by executive order in 2014 by President Obama to identify best practices in law enforcement and to provide recommendations on policing practices that will reduce crime while increasing public trust.⁵³ As described in the Task Force's Final Report, procedurally just behavior is based on four central principles:

1. Treating people with dignity and respect;
2. Giving individuals 'voice' during encounters;
3. Being neutral and transparent in decision-making; and
4. Conveying trustworthy motives.

In the field of policing, "*external procedural justice*" refers to the way in which officers apply these principles when interacting with members of the public. Research has shown that external procedural justice is critical for increasing the public's trust in the police.⁵⁴

⁵² President's Task Force on 21st Century Policing (2015). *Final Report of the President's Task Force on 21st Century Policing*. Washington, DC: Office of Community Oriented Policing Services.
http://www.theiacp.org/Portals/0/taskforce_finalreport.pdf

⁵³ Ibid.

⁵⁴ Police Executive Research Forum (2014). *Legitimacy and Procedural Justice: A New Element of Police Leadership*.
http://www.policeforum.org/assets/docs/Free_Online_Documents/Leadership/legitimacy%20and%20procedural%20justice%20-%20a%20new%20element%20of%20police%20leadership.pdf ;
President's Task Force on 21st Century Policing (2015). *Final Report of the President's Task Force on 21st Century Policing*. Washington, DC: Office of Community Oriented Policing Services.
http://www.cops.usdoj.gov/pdf/taskforce/taskforce_finalreport.pdf.

Similarly, “*internal procedural justice*” refers to the way in which these principles – treating people with dignity, respect, and fairness and giving them a “voice” in decisions – are applied within a police agency, by department employees, to the benefit of other employees and the department as a whole.⁵⁵

Recommendation 1.4 of the final report of the President’s Task Force states: “Internal procedural justice begins with the clear articulation of organizational core values and the transparent creation and fair application of an organization’s policies, protocols, and decision-making processes.”⁵⁶

Examples of how police leaders may apply aspects of procedural justice within their agencies include:

- Ensuring that disciplinary systems are fair;
- Soliciting officers’ views about major policy issues;
- Creating meaningful paths for career advancement; and
- Encouraging collaboration and strong relationships between employees and supervisors.⁵⁷

Benefits of Internal Procedural Justice

Applying the principles of internal procedural justice can help improve organizational culture and create a safe and healthy working environment for all members of a police agency.⁵⁸ Research has shown that officers are more likely to show initiative, to view management’s actions as legitimate, and to voluntarily comply with departmental policies when they are given a voice and are active participants in the decision-making process.⁵⁹

⁵⁵ Police Executive Research Forum (2014). *Legitimacy and Procedural Justice: A New Element of Police Leadership*.
http://www.policeforum.org/assets/docs/Free_Online_Documents/Leadership/legitimacy%20and%20procedural%20justice%20-%20a%20new%20element%20of%20police%20leadership.pdf ;

Police Executive Research Forum (2015). *Critical Response Technical Assessment Review: Police Accountability – Findings and National Implications of an Assessment of the San Diego Police Department*. Washington, DC: Office of Community Oriented Policing Services.
<https://www.sandiego.gov/sites/default/files/legacy/police/pdf/perfrpt.pdf>.

⁵⁶ President’s Task Force on 21st Century Policing (2015). *Final Report of the President’s Task Force on 21st Century Policing*. Washington, DC: Office of Community Oriented Policing Services.
http://www.cops.usdoj.gov/pdf/taskforce/taskforce_finalreport.pdf.

⁵⁷ Police Executive Research Forum (2014). *Legitimacy and Procedural Justice: A New Element of Police Leadership*.
http://www.policeforum.org/assets/docs/Free_Online_Documents/Leadership/legitimacy%20and%20procedural%20justice%20-%20a%20new%20element%20of%20police%20leadership.pdf ;

President’s Task Force on 21st Century Policing (2015). *Final Report of the President’s Task Force on 21st Century Policing*. Washington, DC: Office of Community Oriented Policing Services.
http://www.cops.usdoj.gov/pdf/taskforce/taskforce_finalreport.pdf.

⁵⁸ Ibid.

⁵⁹ Ibid.

Additionally, there is an important link between internal and external procedural justice. As the President's Task Force report states: "[O]fficers who feel respected by their organizations are more likely to bring this respect into their interactions with the people they serve."⁶⁰ Thus, by promoting the principles of fairness, dignity, and respect within the agency, police leaders provide an example of how officers should treat community members.

Applying Procedural Justice Principles at DPD

Based on feedback that PERF received during focus groups with DPD employees, as well as a review of the organizational climate survey data, PERF believes that incorporating the principles of internal procedural justice throughout the department can help improve DPD's overall workplace culture and environment. This includes ensuring that all employees are treated with dignity, respect, and fairness, regardless of their gender, race, or sworn/civilian status.

This section discusses how the principles of internal procedural justice can help create an equitable workplace environment throughout the department.

Internal Department Communications

DPD can adopt a number of strategies to improve internal department communications, with an eye toward promoting internal procedural justice. Such strategies include soliciting input from employees, holding regularly scheduled formal meetings with department personnel, and the use of smaller "after-action" debriefing sessions.

Soliciting Input from Employees

When a new policy or initiative is proposed, DPD leaders should involve members of the department by conducting briefings and soliciting feedback. This helps promote internal procedural justice by giving employees a voice into the issues that directly affect them. For example, DPD can create a feedback form that can be filled out and submitted via a drop box at headquarters. DPD leaders can also hold small employee focus groups (involving both sworn staff and civilians) to hear comments about proposed policies and procedures.

DPD can also hold regular department-wide meetings to ensure that all members of the department are made aware of significant issues within the agency. These meetings should be held any time there is a change in policy, a new initiative is launched, or there is a major personnel change. At these meetings, DPD leaders should explain the reasons behind these changes, and provide adequate time to address concerns and answer employees' questions. DPD supervisors should hold follow-up meetings with their direct reports to verify that they understand what was discussed and to answer any additional questions.

⁶⁰ Ibid.

These types of regular, ongoing meetings will promote frequent two-way communication and foster a sense of transparency and camaraderie within the organization. These meetings should not be limited to front-line officers. They should include the agency as a whole, including civilian support staff. This will create a sense of connectedness among units that do not often interact directly.

In addition to these meetings, the chief of police should consider holding regular “listening” meetings. These meetings do not need to have a formal agenda; rather, they can be held to give all agency employees, sworn and civilian, an opportunity to express issues of concern. These meetings can also be used by the chief to solicit information about any ongoing issues about which the chief should be aware.

- **Recommendation:** DPD should make use of regular, ongoing department-wide meetings, involving both sworn and civilian staff. These meetings should be used to promote transparency within the agency by sharing information about upcoming changes within the agency and soliciting employee feedback.

Status: This recommendation has been implemented.

- **Recommendation:** DPD should also explore other ways to solicit feedback from employees, including circulating feedback forms, holding focus groups with a cross-section of personnel, and holding regular “listening” meetings between employees and the chief of police.

Regularly Scheduled Meetings with Department Personnel

As a way of increasing department communications and transparency, standing meetings between the Chief of Police, Assistant Chiefs, command staff, supervisors, and officer associations should occur at regularly scheduled intervals. Open-door policies should be avoided, as this type of informal meeting style can result in misunderstandings about some employees having greater access to department leaders or undue influence.

- **Recommendation:** PERF recommends the DPD Chief of Police should create a practice that establishes the following standing formal meeting schedule:
 - Command staff (once per week)
 - Supervisors (once per month)
 - Denton Police Officers Association (once per month)
 - Denton Municipal Police Association (once per month)
 - Crime meeting (once per month).

Status: This recommendation has been implemented.

Holding After-Action Debriefings

Patrol staff can make use of after-action debriefings in order to promote informal mentoring opportunities and promote team-building. After a patrol team handles a particularly challenging call, supervisors should encourage the team to come back at the end of the shift to informally talk about the incident and discuss what worked well and what could be improved upon in the future. This does not need to be done on a daily basis, but rather when a shift sergeant believes that a particular incident or call for service warrants a discussion about tactics and strategy.

Such after-action debriefings need not be limited to patrol functions. Communications Operations staff can hold similar debriefings after challenging incidents to increase team-building, provide constructive feedback, and encourage mentoring relationships. Even employees who perform routine day-to-day tasks (such as civilian clerical and administrative functions within DPD) can participate in monthly meetings prior to the close of a day to accomplish these objectives.

- **Recommendation:** DPD should explore the use of after-action briefings for all functions of the department in order to share information, provide constructive feedback to other unit members, and encourage mentoring relationships between junior and senior staff.

Status: This recommendation has been implemented.

Recognizing Exceptional Performance

Recognizing employee contributions and successes is another way to incorporate the principles of internal procedural justice at DPD. DPD should highlight the accomplishments of sworn and civilian members of the department. A special email could be sent out by the chief of police to all DPD members to highlight and recognize an employee whose work has had a positive impact on the community or the agency.

- **Recommendation:** DPD should routinely recognize sworn and civilian members whose work has had a positive impact on the community or the agency. A special email recognizing that employ should be sent to all DPD staff by the chief of police.

Status: This recommendation has been implemented.

SECTION V. ADDITIONAL RECOMMENDATIONS

PERF is offering several other recommendations that will assist the Denton Police Department in improving its day-to-day operations to strengthen agency transparency and accountability to the community.

- **Recommendation:** DPD should place the department's policy manual, including its use-of-force policy, on the department's website. Police agencies have found that this practice demonstrates a commitment to transparency with the communities they serve. Examples of two major law enforcement agencies that have posted their policies online are the Seattle and Los Angeles Police Departments.
 - <http://www.seattle.gov/police/publications/manual/default.htm>
 - http://www.lapdonline.org/lapd_manual/
- **Recommendation:** DPD follows progressive policing practices for accepting complaints against agency personnel. However, the manner in which complaints are accepted is somewhat limited. Because the complaint process may not be intuitive for some people who are not familiar with how law enforcement agencies are structured, there should be a clearly identifiable link on the DPD's website that allows individuals to easily access information on DPD's Office of Professional Standards (OPS), information on the complaint process, the complaint form, and instructions for completing the form. Instructions for completing the form, and the form itself, should be available in English and Spanish. DPD also should accept commendations, as well as complaints against officers, through the agency's website. **This recommendation has been implemented.**
- **Recommendation:** If at all possible, DPD should move the Office of Professional Standards (OPS) to an off-site location. An off-site facility, such as a mixed-use office building or another city property, can be less intimidating than the regular police facility for complainants. Furthermore, for officers who visit OPS to be questioned by investigators, the use of an off-site location may protect officer privacy.
- **Recommendation:** DPD should utilize an ombudsman or independent auditor (e.g., a retired judge or prosecutor) to conduct periodic, random reviews of its internal affairs investigations. The U.S. Department of Justice (DOJ) has routinely mandated the creation of an external oversight component in consent decrees and memoranda of agreement during the past 15 years. DOJ documents detailing these agreements serve as excellent resources for the considerations that are involved in establishing an oversight mechanism.⁶¹
- **Recommendation:** It was mentioned several times during focus groups that special requests from municipal government officials are often disseminated through DPD without following the chain of command. DPD should implement a consistent process

⁶¹ See U.S. Department of Justice Civil Rights Division, Special Litigation Section webpage, "Cases and Matters," Law Enforcement Agencies section. <https://www.justice.gov/crt/special-litigation-section-cases-and-matters0#police>

for handling the concerns of local politicians. **When such requests come to the agency, the request should be reviewed by the Assistant Chief, then sent through the chain of command to the proper employee for action. Once the request is complete, the findings or action taken should go back up the chain of command to the Chief, so it then can be relayed back to the requestor.** Agency leaders should maintain a record of these actions. It is important that these requests not skip the chain of command and go directly to officers, because that can cause confusion and misunderstanding among agency supervisors and commanders. **This recommendation has been implemented. Requests are routed through the Chief of Police to the proper member of the department, with the chain of command involved.**

CONCLUSION

In commissioning PERF's review of the Denton Police Department (DPD), department and city leaders have demonstrated a desire to improve the department's policies, as well as the working environment and the operations of the agency.

One of the driving reasons behind the commissioning of this report was to examine the overall organizational climate of the department. Perceptions exist to a certain extent in the department about matters of equity and fairness, transparency in leadership, communications, and related issues. These perceptions were identified in PERF's interviews of DPD and city staff members, as well as in PERF's "organizational climate" survey of DPD employees.

While challenges remain in addressing some of these issues, they are not insurmountable, as long as DPD leaders are committed to agency-wide improvement. The recommendations contained in this report will assist DPD in moving forward. Where feasible, recommendations should be implemented with an eye toward promoting a sense of "internal procedural justice" in DPD, which involves giving DPD employees a voice in changes to the department, and providing transparency, fairness, and respect to employees.

This report also identifies areas where DPD's use-of-force policies and practices are already aligned with progressive policing practices, and presents several recommendations for how DPD can strengthen its policies and practices. **Throughout the course of this review, PERF's project team regularly discussed these recommendations with DPD leaders. DPD began making changes to its policies and practices based on these discussions, and at the time of this report the department had already implemented the majority of PERF's recommendations.**

Policies and Procedures

PERF made a number of recommendations for how DPD can strengthen its written policies and procedures, particularly those related to officer use of force. For example, PERF recommends that DPD adopt de-escalation as a formal agency policy, and that its use-of-force policy be revised to reflect this approach. This includes adding definitions for proportionality and de-escalation, adopting the Critical Decision-Making Model (CDM),⁶² and providing additional guidance on using distance and cover, tactical repositioning, "slowing down" situations that do not pose an immediate threat, and calling for supervisory resources to critical incidents, such as police encounters with mentally ill persons who are behaving erratically or dangerously. DPD has already adopted many of these recommendations and has made several changes to its use-of-force policies and practices.

PERF also recommends several changes to DPD's policies governing electronic control weapons (ECWs). DPD should revise its policy to replace all references to "TASER" with the more

⁶² Police Executive Research Forum (2016). *ICAT: Integrating Communications, Assessment, and Tactics*. <http://www.policeforum.org/assets/icattrainingguide.pdf>. ICAT Training is available on PERF's website at www.policeforum.org/icat.

descriptive and appropriate term, “Electronic Control Weapon (ECW).” This change will help reflect the reality that these tools are less-lethal weapons that are meant to help control persons who are actively resisting authority or acting aggressively.⁶³ PERF also recommends that DPD revise its policies to instruct officers to avoid targeting sensitive areas of a subject’s body with an ECW, prohibit use of an ECW against a person operating any type of vehicle in motion, and discourage the use of the drive stun mode as a pain compliance technique.⁶⁴ Again, DPD has implemented several changes to its ECW policies and practices in accordance with PERF’s recommendations.

Organizational Structure

During PERF’s review of the DPD, changes were made to the structure of the department’s senior leadership positions. Upon receiving the resignation of the Chief and both Assistant Chiefs, City of Denton officials determined it would be best to restructure the organization of the executive positions to include a Chief of Police, one Assistant Chief, and two Deputy Chiefs. PERF believes this structure will serve the department well and does not recommend any further changes to the organization of DPD’s senior leadership.

Organizational Climate Survey

With the approval of City of Denton officials, PERF developed and fielded an “organizational climate” survey of the department, which was sent to all employees. The goals of the survey were to determine the overall workplace climate at DPD and to guide the development of DPD’s policies and practices going forward. The survey allowed anonymous replies, in order to elicit maximum response and encourage respondents to be candid about their perceptions of the agency.

Survey results were mixed with respect to employee perceptions of the working environment at DPD. For example, most respondents believe that DPD is a good organization to work for and are satisfied with their jobs. However, most respondents felt that department leaders struggled with communicating effectively with personnel, that discipline is administered inconsistently, and that there are shortcomings in holding personnel accountable for poor performances.

Workplace Environment and Procedural Justice

As PERF heard from DPD personnel about their perceptions of the department, both in person as well as via the anonymous survey, we realized that a discussion of the principles of internal procedural justice would be of value to the agency in order to promote a sense of transparency, openness, and fairness.

⁶³ PERF and COPS Office, *2011 Electronic Control Weapons Guidelines*.

http://www.policeforum.org/assets/docs/Free_Online_Documents/Use_of_Force/electronic%20control%20weapon%20guidelines%202011.pdf.

⁶⁴ Ibid. See also PERF, *Guiding Principles on Use of Force*.

<http://www.policeforum.org/assets/guidingprinciples1.pdf>.

For example, DPD should hold periodic department-wide meetings to inform employees about potential changes in DPD and to solicit their feedback. Such meetings should involve both sworn and civilian employees. “Listening” meetings can be held by the chief as needed to elicit feedback on issues that DPD employees may have. Opportunities for encouraging mentoring relationships among staff members should be encouraged. Such programs should occur on a regular, ongoing basis. PERF learned that DPD is in the process of implementing several changes to help promote communication and transparency.

Moving Forward

The Denton Police Department is made up of talented and dedicated officers and civilians who are committed to serving the City of Denton and its residents. City officials are committed to improving the agency’s core business practices. One of the most important things PERF can recommend is improving internal procedural justice at DPD, to promote fairness and equity among its employees.

One important step that DPD can take in this regard is to share the results of this report with its members. This can be accomplished by disseminating the report agency-wide and organizing a series of open forums where employees can discuss the report and their concerns with the chief of police and command staff.

DPD has many excellent employees and a unique opportunity to make improvements to take the agency to the next level. PERF wrote this report to serve as a guide for implementing these efforts.

APPENDIX – DENTON POLICE DEPARTMENT ORGANIZATIONAL CLIMATE SURVEY

The Police Executive Research Forum (PERF) has been hired by the City of Denton to examine current police practices. As part of this process, PERF is conducting a climate survey of the Denton Police Department. Our role is to understand how employees feel about several aspects of the department and their role within the organization.

This survey is confidential and the content will be submitted directly to PERF. No individual responses will be shared with the department. Results from the surveys will only be reported as aggregate numbers and broad summaries of comments without a way to identify individual respondents. You may stop the survey at any time or not answer questions. The survey should take between 15-20 minutes to complete. Your candid and honest responses are critical for PERF's ability to provide an independent and accurate assessment of the Denton Police Department.

If you have any questions about the survey, please contact Dr. Meredith Mouser at (202) 454-8318 or mmouser@policeforum.org. Additionally, you can learn more about PERF at www.policeforum.org. PERF thanks you in advance for your participation.

DEMOGRAPHIC QUESTIONS

Gender ☐ Male ☐ Female ☐ Other

Highest Level of Education ☐ High school graduate/GED ☐ Some college, no degree
☐ Associate's degree ☐ Bachelor's degree
☐ Master's degree ☐ Professional degree (JD, PhD)

Race (check all that apply) ☐ American Indian/Alaskan Native ☐ Asian/Pacific Islander
☐ Black/African American ☐ White/Caucasian
☐ Other _____

Ethnicity ☐ Yes, of Hispanic origin ☐ No, not of Hispanic origin

Years of service at DPD ☐ 0-5 years ☐ 6-10 years ☐ 11-15 years ☐ 16-20 years
☐ More than 20 years

Employee type ☐ Sworn ☐ Non-Sworn

Please indicate the level to which you agree with each of the following statements.

ORGANIZATIONAL COMMITMENT AND JOB SATISFACTION					
	Strongly disagree (1)	Disagree (2)	Neutral/No opinion (3)	Agree (4)	Strongly agree (5)
I am proud to tell others that I work for this department.					
I feel very little loyalty to this department.					
I tell my friends and family that this is a good organization to work for.					
This department really inspires the best in me in the way of my job performance.					
I really care about the fate of this department.					
I feel myself to be part of this department.					
I would not recommend a close friend to join this department.					
I find that my values and the department's values are very similar.					
I feel fairly well satisfied with my job.					
I like my job better than the average worker does.					
Most days I am enthusiastic about my job.					
I enjoy my roles and responsibilities at my job.					
I definitely dislike my job.					

For the section above, please provide additional comments if you feel strongly about the answers you have provided. _____

WORK ENVIRONMENT					
	Strongly disagree (1)	Disagree (2)	Neutral/No opinion (3)	Agree (4)	Strongly agree (5)
I find myself in conflicts with coworkers that escalate into angry exchanges.					
Employees treat each other the same, regardless of their racial/ethnic group.					
Employees treat each other the same, regardless of their gender.					
Employees treat each other the same, regardless of their sexual orientation.					
Overall, the environment of this department encourages employees to behave in an equitable, inclusive, and respectful manner.					
My work environment is more uncomfortable than it should be.					
I have positive relationships with my coworkers.					
The working relationship between sworn and non-sworn employees is constructive toward achieving department goals.					
The department rewards the efforts of employees who do outstanding work.					
As an employee of this department, I am treated with respect.					
As an employee of this department, I receive fair treatment.					
I know what resources are available to me if I need to discuss a workplace-related complaint.					

For the section above, please provide additional comments if you feel strongly about the answers you have provided. _____

COMMUNICATION					
	Strongly disagree (1)	Disagree (2)	Neutral/No opinion (3)	Agree (4)	Strongly agree (5)
I feel free to express my opinions in my job without worrying about negative results.					
Department leaders do a poor job of informing employees about matters affecting us.					
Information about things relevant to my job are communicated in a timely manner.					
I am satisfied with the information I receive from management on what is going on in the department.					
The rationale behind important decisions that impact me is communicated effectively.					
Employees are asked for input regarding decisions that will affect them.					
I am dissatisfied with my involvement in decisions that affect my work.					

For the section above, please provide additional comments if you feel strongly about the answers you have provided. _____

SUPERVISION					
	Strongly disagree (1)	Disagree (2)	Neutral/No opinion (3)	Agree (4)	Strongly agree (5)
My immediate supervisor treats the employees he or she supervises with respect.					
Generally, the supervision in my department favorably affects my work and moral.					
My immediate supervisor is available to me when I have questions or need help.					
I am often unclear about just what is expected of me on the job.					

Employees who perform their jobs well are recognized by their immediate supervisors for their contributions.					
The supervisors in this department treat their subordinates fairly.					
The supervisors in this department show favoritism.					
My immediate supervisor is familiar enough with my job performance to fairly evaluate me.					
My job performance is reviewed in person with me at least one time each year.					
The standards used to evaluate my performance have been fair and objective.					
I receive inaccurate feedback pertaining to my job performance.					
I receive useful recommendations on how I can improve my job performance.					
I have little trust in my supervisor's evaluation of my work performance.					

For the section above, please provide additional comments if you feel strongly about the answers you have provided. _____

LEADERSHIP					
	Strongly disagree (1)	Disagree (2)	Neutral/No opinion (3)	Agree (4)	Strongly agree (5)
Morale among employees is good.					
I have doubts about the department's leadership.					
Department leaders can be trusted.					
Clear goals for the department are established by its leaders.					
The department is managed ineffectively by its leaders.					
Employees who consistently do a poor job are held accountable.					
Employees who violate department policies are held accountable.					

Department leaders model equitable, inclusive, and respectful behavior in interactions with employees.					
The disciplinary process is unfair at this department.					

For the section above, please provide additional comments if you feel strongly about the answers you have provided. _____

TRAINING AND RESOURCES					
	Strongly disagree (1)	Disagree (2)	Neutral/No opinion (3)	Agree (4)	Strongly agree (5)
I have the equipment and supplies I need to do my job.					
The equipment I need for my job is in poor condition.					
I have access to information I need to do my job.					
I received the necessary training to do my job.					
I have opportunities to attend training courses that assist me in doing my job.					
Employees of this department receive high quality training.					
My training did not prepare me well for my actual work.					
My job makes poor use of my training.					
The frequency with which training opportunities are provided meet my needs as an employee.					

For the section above, please provide additional comments if you feel strongly about the answers you have provided. _____

HIRING, PROFESSIONAL DEVELOPMENT/SPECIAL ASSIGNMENTS, & PROMOTIONS					
	Strongly disagree (1)	Disagree (2)	Neutral/No opinion (3)	Agree (4)	Strongly agree (5)
Special assignments and professional development opportunities are provided to those who demonstrate appropriate work performance.					
The department has an ineffective system for determining special assignments or professional development opportunities.					
The department has an ineffective system for promotion.					
The department is unfair in its hiring practices.					
Promotions are seldom related to employee performance.					
Promotions are more related to whom you know rather than the quality of your work.					
There is a fair opportunity to be promoted.					
I feel that there are opportunities for upward mobility in this department.					

In the **promotion process**, how much emphasis should there be on the following?

	Less emphasis	Same emphasis	More emphasis	Not used at all
Written exams				
Assessment from outside of the department (e.g., independent reviewers)				
Employee performance evaluations				
Seniority				
Interview				

In determining **special assignments or professional development opportunities**, how much emphasis should there be on the following?

	Less emphasis	Same emphasis	More emphasis	Not used at all
Written exams				
Assessment from outside of the department (e.g., independent reviewers)				

Employee performance evaluations				
Seniority				
Interview				

Please indicate which of the following you believe to be true.

Regarding special assignments/professional development opportunities and promotions...

_____ Whites are treated better than minorities

_____ Minorities are treated better than whites

_____ Whites and minorities are treated about the same

Regarding special assignments/professional development opportunities and promotions...

_____ Men are treated better than women

_____ Women are treated better than men

_____ Men and women are treated about the same

For the section above, please provide additional comments if you feel strongly about the answers you have provided. _____

Are there ways the department could improve the overall environment within the agency as well as better serve the community? _____

Is there anything else important you feel we should know? _____